Journal of the International Association of Buddhist Studies

Volume 19 • Number 1 • Summer 1996

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The Lay Ownership of Monasteries and the Role of the Monk in Mūlasarvāstivādin Monasticism

The earliest Buddhist inscriptions that have survived do not refer to monasteries (*vihāra*). In fact the numerous monks and nuns who made donations at Sāñcī, for example, identify themselves not by reference to a monastery or Order, but—exactly like lay men and women donors—by reference to their place of birth or residence. We find for example:

> "The gift of the Nun Yakhī from Vedisa."
> "The gift of the Nun Saghadanā from Vāghumata."
> "The gift of the Monk Kāboja from Nadinagara."
> "The gift of the Elder (*thera*), the Noble One (*aya-*) Nāga, a monk from Ujenī."[1]

The wording here—exactly parallel to the wording in the records of lay donors—would appear to at least suggest that these nuns and monks lived in villages.[2]

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1. J. Marshall, et al, *The Monuments of Sāñchī*, vol. 1, (Delhi: 1940) nos. 137, 138, 169 and 303.
2. For something like this pattern in the very early history of Western monasticism see G. E. Gould, "The *Life of Antony* and the Origins of Christian Monasticism in Fourth-Century Egypt," *Medieval History* 1.2 (1991): 3-11; but see also B. Harvey, *Living and Dying in England 1100-1540. The Monastic Experience* (Oxford: 1993) 75-77 who refers to "the old-established practice of naming a novice after his local village or town" in Benedictine monasticism (e. g. John Cambridge, Nicholas Salisbury, etc.); on Sri Lankan usage in regard to monastic names see R. F. Gombrich, *Theravāda Buddhism. A Social History from Ancient Benares to Modern Colombo* (London & New York: 1988) 5. In Indian donative inscriptions, whether referring to monks or lay persons, it is really impossible to tell whether the toponyms refer to place of residence or place of birth, though it is usually assumed to be the former. On the onomasticon of early Buddhist inscriptions in general and its value for the historian see G. Schopen, "What's in a Name: The Religious Function of the Early Donative Inscriptions," *Unseen Presence: The Buddha and Sanchi*,

But when references to monasteries begin to occur after the beginning of the Common Era they sometimes seem already to carry hints of what might be an unexpected form of ownership. Both monastic seals and inscriptions, for example, suggest that some early Buddhist monasteries were at least named after private or particular individual lay persons. A late 2nd or early 3rd Century sealing from Inṭwā, near Jūgaḍh, is a case in point. The legend on this sealing reads:

mahārāja-rudrasena-vihāre bhikṣu-saṃghasya.[3]

Without yet being able to say what the genitive or possessive implies, this should probably be rendered:

> of the Community of Monks in the Monastery of the Great King Rudrasena," or "... in the Great King Rudrasena's Monastery.

Likewise in the well-known Wardak Vase Inscription the gift recorded was made "in Vagramarega's Monastery" or "the Monastery of Vagramarega" (*vagramarig(r)a-viharam(r)i*), and Vagramarega here is certainly the name of a lay person, although, again, we still do not get any explicit indication of the relationship of the individual to the *vihāra*

ed. V. Dehejia (Bombay: 1996) 58-73; and contrast this with Ét. Lamotte, *Histoire du bouddhisme indien. Des origines à l'ère śaka* (Louvain: 1958) 454-55. On the development of the standard *vihāra* see G. Schopen, "Doing Business for the Lord: Lending on Interest and Written Loan Contracts in the *Mūlasarvāstivāda-vinaya*," *Journal of the American Oriental Society* 114 (1994): 527-54; esp. 547-52. It is also worth noting that—as the texts cited in this paper amply demonstrate—it is becoming increasingly obvious that the single term *vihāra* is used in both texts and inscriptions to refer to what must have been a wide range of types of buildings that differed enormously in both size and construction. Though I will here frequently not translate the term *vihāra*, I also frequently use the term "monastery." Since we rarely know *precisely* what sort of building a given text is referring to this should be taken as nothing more than a convenient gloss. Note that the *Vinayavibhaṅga*, Derge 'dul ba Ca 249b.3 defines *vihāra* in the widest possible way: "'*vihāra*' means: where there is room for the four bodily postures—walking, standing, sitting and lying down" (*gtsug lag khang zhes bya ba ni gang du spyod lam bzhi po 'chag pa dang / 'greng ba dang / 'dug ba dang / nyal ba dag shong ba'o*). *Pāli Vinaya* iv 47.27, for example, offers another definition which, though different, is no less broad.

3. B. Ch. Chhabra, "Intwa Clay Sealing," *Epigraphia Indica* 28 (1949-50): 174-75.

which is named after him or said to be his. We are not explicitly told in what sense it might have "belonged" to him.[4] But another well known Kharoṣṭhī inscription would seem to make this a little more clear.

The inscription on the Tōr Ḍhērai Potsherds begins in the following way:

> *shahi-yola-mirasya viharasvamisya deyadharmo yaṃ prapa svakiya-yola-mira-shahi-vihare saṃghe caturdiśe acaryanaṃ sarvastivadinaṃ prati-grahe.*[5]
>
> "This hall for providing water is the religious gift of the Shāhi Yola-Mīra, the Owner of the Monastery, to the Community of the Four Directions, for the acceptance of the Teachers of the Sarvāstivādin Order, in his own—Yola-Mīra, the Shāhi's —monastery."

The gift is made here to the monastic community in "Yola-Mīra, the Shāhi's monastery" so that once again we have a monastery that is named after or said—in some sense—to belong to a particular lay man.[6] But here in addition we are told not only that the gift was made by the Shāhi Yola-Mīra himself, but that "the monastery of Yola-Mīra, the Shāhi" was his own (*svakiya*), and that he was the *vihārasvāmin*. This last term or title may be particularly significant since—although the discussion of it has given rise to some red herrings[7]—its basic meaning is on one level seemingly straightforward. B. G. Gokhale, for example, says: "That a

4. S. Konow, *Kharoshṭhī Inscriptions with the Exceptions of those of Aśoka*, Corpus Inscriptionum Indicarum 2.1 (Calcutta:1929) 165-170, no. LXXXVI.

5. Konow, *Kharoshṭhī Inscriptions*, 173-76, no. XCII; see also S. Konow, "Note on the Tōr Ḍhērai Inscriptions," in A. Stein, *An Archaeological Tour in Wazīristān and Northern Balūchistān*, Memoirs of the Archaeological Survey of India 37 (Calcutta:1929) 93-97—for the sake of orthographic simplicity I have cited the text from the latter.

6. Konow, *Kharoshṭhī Inscriptions*, 175, says of Yola Mīra: "His title *shāhi* shows that he was not a private person but a local governor or chief, probably under Kushāṇa suzerainty." The *Kṣudrakavastu*, Tog 'dul ba Ta 164a.3-167a.2 = Derge, 'dul ba Tha 108a.6-110a.4, has an interesting account of drinking facilities for passersby, and the origin, location, and rules governing "water-houses" (*chu'i khang pa*) in Mūlasarvāstivādin monasteries. In part, the text says, these facilities grew out of brahmanical concerns for purity.

7. See for example J. F. Fleet, *Inscriptions of the Early Gupta Kings and Their Successors*, Corpus Inscriptionum Indicarum 3 (Calcutta: 1888) 263 n.7; 272 n.3; 279 n.5; V. V. Vertogradova, "Notes on the Indian Inscriptions from Kara-Tepe," *Summaries of Papers presented by Soviet Scholars to the VIth World Sanskrit Conference* (Mascow: 1984) 160-71; esp. 166; and next note.

person described as *vihārasvāmin* had control of the *vihāra* or monastery is beyond doubt as the second part, *svāmin*, indicates."[8] And Sircar has defined the term as " 'the master of a monastery'; the builder or owner of a monastery."[9] But since in virtually all unambiguous cases the individual who has the title *vihārasvāmin* or *vihārasvāminī* is neither a monk or nun, but a lay person of some sort, and since the term *svāmin* cannot itself mean either "donor" or "builder" and must rather mean "owner," "proprietor" or "master," it is difficult to avoid the conclusion—however jarring—that at least some Buddhist monasteries in India were thought to be in at least some sense the property of lay men or women. The fact that we are not used to thinking in these terms probably explains why most translators of the title *vihārasvāmin* have preferred the more ambiguous "master," rather than "owner," in their renderings. "Owner," however, may well turn out to be, as we will see, the better translation.

Understood in this way the Tōr Ḍhērai inscription would appear, of course, to be particularly striking evidence for the private ownership of Buddhist monasteries in India, but it is by no means unique. We have already seen other evidence, and there are other references to *vihārasvāmins*. There is in fact a wide range of expressions in inscriptions that seems to point in the same direction.

Like the Tōr Ḍhērai Inscription, a number of inscriptions from Mathurā record religious gifts made by a donor in his or her "own monastery." We find it said, for example, that "a Bodhisattva (image) was set up by Amohāāsi, the mother of Budharakhita, together with her mother and father, in her own monastery (*sake vihāre*); or that what Lüders takes to be a group of "merchants" made a gift "in their own *vihāra*" (*s[va]ke vihāre*); or that Puśyada(tā), the daughter of Gunda, an owner of a *vihāra* (*vihārasvāmin*), also set up an image in "her own monastery" (*svake vih[ā]re*).[10] At Mathurā, however, the adjective

8. B. G. Gokhale, "Buddhism in the Gupta Age," *Essays on Gupta Culture*, ed. B. L. Smith (Delhi: 1983) 114, though he himself then goes on to suggest that the *vihārasvāmin* was a kind of government official in charge of monasteries, which is unsupportable and almost certainly incorrect.

9. D. C. Sircar, *Indian Epigraphical Glossary* (Delhi: 1966) 371.

10. H. Lüders, *Mathurā Inscriptions*, ed. K. L. Janert (Göttingen: 1961) nos. 1, 65, 136 (though the readings differ widely Lüders no.136 is almost certainly the same inscription edited in B. Ch. Chhabra, "Curzon Museum Inscription of Kanishka's Reign; Year 23," *Epigraphia Indica* 28 (1949-50): 42-44—the two editions have sometimes been wrongly cited as if they contained two different inscriptions, e. g. M. Njammasch, "Hierarchische Struk-

svaka, "own," is applied not just to *vihāras*, but to what must have been smaller units within a monastery as well. We find that a monk named Nāgadatta, for example, set up yet another Bodhisattva image "in the Kaṣṭikīya Monastery in his own shrine" (*kaṣṭi[k]īy[e v]ihāre svakā[yaṃ ce]ti[ya]kuṭiyaṃ*); likewise, that a lay-sister (*upāsika*) named Nāgapiyā also set up a Bodhisattva "in her own shrine for the acceptance of the Teachers of the Dharmaguptaka Order (*svakāyā cet[i]yākaṭ[i]y[ā] acāryana dharmagutakāna pratigrahe*).[11]

In Kharoṣṭhī materials the expression can be even more varied, although the basic idea seems to remain very much the same. We find reference to a donor establishing relics "in his own bodhisattva chapel" (*tanuvae bosi(dhi)satva-gahami*) in the monastic compound at the Dharmarājikā in Taxila; a seal from Taxila with the legend "of Mudrasata, in his own *Vihāra*" (*atavihare mudrasatasa*); a donor who describes himself as the *horamurta*—which Lüders says is "a Scythian word with the same meaning as Skr. *dānapati*"—in "his own *vihāra* (*apanage vihare*);[12] etc.

There is really nothing very new in all of this. Nearly all these references have been noted before by others. But their fuller or more precise significance may not yet have been recognized. G. Fussman, for example, has said recently in regard to the expression *svakāyaṃ cetiyākuṭeyaṃ* that—when the individual using it is a lay person—"l'expression peut seulement signifier 'dans le sanctuaire qu'elle a fait construire, ou donné'."[13] M. Njammasch, speaking more broadly, has observed: "Die Inschriften bestätigen uns die Vermutung, dass der Stifter, der ein Kloster oder einen Tempel erbauen liess, diesem als eine Art Mäzen vorstand."[14] Both remarks are undoubtedly true in one way or another; but neither probably goes far enough. To suggest that the term *svaka* indicates *only* that the individual concerned built or donated the shrine or

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turen in den buddhistischen Klöstern Indiens in der ersten Hälfte des ersten Jahrtausends unserer Zeitrechnung," EAZ. *Ethnographisch-Archäologische Zeitschrift* 11 (1970): 534, 535).

11. Lüders, *Mathurā Inscriptions* nos. 157, 150.

12. Konow, *Kharoshṭhī Inscriptions* 77 (no. XXVII); 101 (no. XXXVII.10); 148-50 (no.LXXVI).

13. G. Fussman, "Documents épigraphiques kouchans (V). Buddha et bodhisattva dans l'art de mathura: deux bodhisattvas inscrits de l'an 4 et l'an 8," *Bulletin de l'école française d'extrême-orient* 77 (1988): 12.

14. Njammasch, "Hierarchische Strukturen in den buddhistischen Klöstern Indiens" 535.

monastery is, again, to ignore what the term etymologically means, and to avoid the question of who actually owned the shrine or *vihāra* once it was built, or who had control of it once it was donated—it ducks the distinct possibility that "the conveyance of a piece of property into the possession of another did not irrevocably suppress the claims and rights of former owners";[15] it ignores the question of the continuing relationship—if any—of the "donor" to that which he or she donated. To say that the donor or founder continued, once a *vihāra* or shrine had been built, to superintend or preside over it as a "patron" is better, but it too avoids the question of actual ownership.

Part of the problem here must lie in the sources so far used. The inscriptions we have are undoubtedly records of actual gifts and transactions, but the kinds of things that we would like to know are often precisely those things they take for granted: they assume an understanding of phrases like *svake vihāre* and never explain them. Literary sources, on the other hand, have not—in so far as I know—been considered germane to the kind of issues raised by our inscriptions. This may be an oversight.

There are, for example, several passages in the Pāli or Mahāvihārin *Vinaya* which either suggest or assert the private ownership of Buddhist monasteries. Sometimes these are little more than incidental elements in a narrative dealing with some other matter—and are important for that very reason. In the *Suttavibhaṅga* there is an interesting case in point. Here a monk indirectly claims to be an Arhat by saying to a lay brother (*upāsaka*): "That monk who lives in your *vihāra* (*tuyhaṃ vihāre*) is an Arhat." The narrator then immediately adds: "But he (the monk himself) was living in his (the lay-brother's) *vihāra*" (*so ca tassa vihāre vasati*).[16] Both statements are delivered in such a way as to suggest that it was perfectly natural and in no way unusual to refer to a *vihāra* as belonging to a lay-brother or to call it "his."

Another text that occurs twice in the Mahāvihārin *Vinaya* as we have it—once in the *Suttavibhaṅga*, and once in the *Cullavagga*[17]—both confirms the fact that the redactors of this *Vinaya* saw nothing unusual in describing a monastery or monastic property as being a layman's, and reveals a little more about what this might have meant:

15. B. H. Rosenwein, *To Be the Neighbor of Saint Peter. The Social Meaning of Cluny's Property, 909-1049* (Ithaca and London:1989) 114.
16. *Pāli Vinaya* iii 102.5.
17. *Pāli Vinaya* ii 174.4 and iii 65.38.

> On one occasion, moreover, monks used in another place the bedding and seats that were articles for use in the monastery of a certain lay-brother. (*tena kho pana samayena bhikkhū aññatarassa upāsakassa vihāraparibhogaṃ senāsanaṃ aññatra paribhuñjanti*)
>
> That lay-brother, then, was contemptuous, critical and complained: "How is it, indeed, that the Reverend Ones will use articles for use in one place somewhere else?"
>
> They related this matter to the Blessed One. He said: "Monks, an article for use in one place must not be used somewhere else. Who would use it thus—that is an offence of wrong doing.

The text here is admittedly ambiguous, though this does not affect the main point. The text is saying, it seems, either that the monastery belonged to a certain lay-brother, or that the property "for use" in the monastery did. In either case the apparent fact of his possession or ownership was sufficiently strong to allow him to criticize the monks for asserting control over it—they took elsewhere what belonged to him or to his *vihāra*. At the very least, then, the rights of the monks to "monastic" property would appear here to have been limited: they could not do whatever they wanted to with it. But the ability to do *quidquid facere voluerint* ("whatever they want to do with it") was in Roman and Medieval Western law, as in Indian law, the defining characteristic of absolute possession or ownership.[18] Our Pāli text is confirming that

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18. Rosenwein, *To Be the Neighbor of Saint Peter* 111. For India see J. D. M. Derrett, "The Development of the Concept of Property in India c. A. D. 800-1800," *Zeitschrift für vergleichende Rechtswissenschaft* 64 (1962): 15-130, but esp. his discussion of the expression *yatheṣṭa-viniyoga-bhāva*, "the presence of an application at pleasure," at 113ff. The compilers of the *Mūla-sarvāstivāda-vinaya* too apparently already knew a similar conception of property according to which individual ownership was characterized by the individual's ability to do what he pleased with the property involved. In the *Cīvaravastu*, GMs iii 2, 124.3 a dying monk promises his property to another monk saying *madīyaṃ pātracīvaraṃ mṛte mayi tava yathāsukham*, "When I am dead my bowl and robe are yours to treat as you please"; in the *Kṣudrakavastu*, Tog 'dul ba Ta 379a.3 the Buddha is made to say that a monk should accept property "willed" to him by his father, and that when it has been accepted "it should be used as property in whatever way one wishes," *ji ltar 'dod pa bzhin du longs spyod du yongs su spyad par bya'o*. (Both these texts—the latter in fact quotes the former—are discussed in some detail in G. Schopen, "Monastic Law Meets the Real World: A Monk's Continuing Right to Inherit Family Property in Classical India," *History of Religions* 35 [1995]: 101-23.) Still within the Indian cultural sphere, but farther afield, see T.

ownership of this sort at least did not inhere in the monks in regard either to a monastery of a lay brother or the property "for use" in such a monastery. And this ruling is given the sanction of the Buddha himself.[19]

Passages of this sort are perhaps sufficient to indicate that a study of the conceptions of property in the Pāli or Mahāvihārin *Vinaya* might well be fruitful. Such a study, however, is not undertaken here. Here I would rather show that there is as well another body of material—and perhaps a better one—which can provide important data on the conceptions and role of property exchanges in Indian monastic Buddhism; here I would rather give some idea of the range of materials bearing on the notions of property and ownership to be found in the *Mūlasarvāstivāda-vinaya* preserved in Sanskrit and Tibetan. It is, though, important to note that what follows is in no sense intended as an exhaustive or even a systematic study of these notions in this literature. What follows is only meant as a hint of what might be discovered there; it is intended only to give some idea of the complexity of the conceptions of ownership found in this *Vinaya*, and to point to the intricate web of on-going relationships and mutual obligations between monks and laymen that transfers of property created and sustained.

We might begin with two cases involving the mischievous monk Upananda. In one case the ownership of a *vihāra* appears to inhere in Upananda himself; in the other the *vihāra* is said to belong to the Community; but in both cases there are further complications. Since the texts dealing with these two cases—and most of the others dealt with below—

Burrow, *A Translation of the Kharoṣṭhi Documents from Chinese Turkestan* (London: 1940) 90, 127, 136, 137, 143.

19. For a particularly interesting passage concerning the ambiguity of ownership in the *Pāli Vinaya* see the "court case" at iv 223. Here a "shed" or "stable" (*?uddosita*) given to the Community of Nuns by a lay brother was claimed by his heirs after his death and the nuns take the case to "the chief ministers of justice" (. . . *vohārike mahāmatte pucchiṃsu*) for adjudication. (The Mūlasarvāstivādin "parallel" to this—found at *Bhikṣuṇī-vinayavibhaṅga*, Derge 'dul ba Ta 123a.5-124a.2—is particularly interesting. It too involves a "court case," but not in regard to a building. It concerns a nun's attempt to collect on what appears to be a written, negotiable promissory note (*chags rgya—chags rgya* is, moreover, here defined in the following way: *chags rgya zhes bya ba ni bu lon bda' ba'i dbang rgya'o*: "'promissory note' means: a witnessed marker that calls in a debt"; since this is exactly the same definition that is given at *Bod rgya tshig mdzod chen mo*, 779, the former must here be the latter's source—the definition is cited there simply as "old," *rnyin pa*).

are not yet easily available in a western language I will generally translate them in full.

[20]A certain householder had a *vihāra* made for Upananda (*upanandasyānyatamena gṛhapatinā vihāraḥ kāritaḥ*).[21] Upananda did not live there. He gave space (*vastu*) to whatever visiting monk came, but he took himself any acquisition (*lābha*).

Once an ascetic monk who limited himself to only the three robes (*traicīvarika*) came. He saw that that *vihāra* was empty and he asked: "Whose *vihāra* is this?" (*kasyāyaṃ vihāraḥ iti*)

The monks told him: "The Monk Upananda's" (*upanandasya bhikṣoḥ*).

The ascetic monk went and asked Upananda.[22]

Upananda said: "This *vihāra*? You may live there. But any acquisition is mine" (*prativasa, yo 'tra lābhaḥ sa mama iti*).

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20. *Śayanāsanavastu*, Gnoli 36.14-37.5; Tog 'dul ba Ga 285b.4-286a.6= Derge 'dul ba Ga 211a.3-211b.1; cf *Vinayasūtra* 111.2, where the entire text is condensed into a restatement of its concluding rule: *lābhagrāhiṇo vihārasya sammārjanam*, "For he who takes the acquisition there is the cleaning of the *vihāra*"—Here and throughout when an extended passage from the canonical *Vinaya* is cited I cite in the notes the passage corresponding to it in Guṇaprabha's *Vinayasūtra*. This procedure, it is hoped, will allow the reader to see something of how the author of this fundamental, but little studied, Mūlasarvāstivādin handbook used his canonical sources. Moreover these citations from the *Vinayasūtra* will provide some of the Sanskrit vocabulary for those canonical passages which I can cite only from their Tibetan version. In most cases I have *attempted* translations of these citations from the *Vinayasūtra*, but they are almost all extremely tentative and rough. The only complete published edition of the Sanskrit text of the *Sūtra* is—as will be seen—full of corruptions and conjectural readings, and the Tibetan version, in addition to not yet being critically edited, frequently and significantly differs from the available Sanskrit text. The succinctness of expression and their numerous lexical problems, moreover, make both versions difficult to understand even when the text seems certain.

21. The Tibetan seems to imply a different text here: *nye dgas khyim bdag cig gtsug lag khang brtsig tu bcug nas*: "When Upananda had caused (compelled) a householder to build a *vihāra*"; cf. n.71 below.

22. The Sanskrit here reads simply *sa tena gatvā yācitaḥ*, and an inordinate reliance on pronouns whose referents are not always immediately clear is characteristic of the style of the *Mūlasarvāstivāda-vinaya* in both Sanskrit and Tibetan. I have frequently supplied the referents for such pronouns in my translations.

The ascetic monk stayed there, but he never cleaned that *vihāra*, nor applied fresh cow-dung.[23] Once when he went away from the *vihāra* another monk came. He too, having asked Upananda, stayed in that *vihāra*. He saw that the *vihāra* was full of rubbish. He cleaned it, and when he had thrown the rubbish out and was standing near the rubbish dump still holding the broom another monk saw him. That monk said: "Why, Venerable One, are you standing here still holding the broom? Should you not leave the broom?"

He responded: "Who, indeed, has stayed here so fastidious about his hands that he never set foot towards a broom?"[24]

The other monk said: "So-and-so, an ascetic monk who limits himself to the three robes, stayed here.

When he saw that ascetic monk while going about for alms and reproached him, the ascetic monk said: "Upananda takes the acquisition. Why should I clean out his *vihāra*?" (*upanando lābhaṃ gṛhṇāti ahaṃ tasya vihāraṃ śodhayāmi*?[25])

The monks reported this matter to the Blessed One, and the Blessed One said in regard to this situation: "Whoever takes the acquisition, he must clean the *vihāra* (*yo lābhaṃ gṛhṇāti tena vihāraḥ saṃmārṣṭavyaḥ iti*).

In this passage—which comes from the *Śayanāsana-vastu*—the simple genitive is three times used to indicate possession or ownership: first interrogatively in the initial question of the ascetic monk: *kasyāyaṃ vihāraḥ iti*, "whose *vihāra* is this?"; then in the response to that question by the monks: *upanandasya bhikṣoh*, "the monk Upananda's," and in the

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23. Applying *gomaya* as a cleaning agent is frequently referred to in the *Mūlasarvāstivāda-vinaya* but not, I think, in the Pāli *Vinaya*. A careful study of "bull-shit" in the two *vinayas* may, therefore, tell us something important about the geographical and cultural place of origin of these *vinayas*.

24. The translation here is doubtful. Gnoli prints *sa kathayati*: *ko 'py atra hastarakṣāsthitaḥ tena na kadācit saṃmārjanī padam api dattam iti*, but emends the text at least twice in so doing. The Tibetan has: *des smras pa / 'di na lag srung ba 'ga' zhig gnas gnas pa lta ste / des phyags ma'i rjes kyang med do /*. The tone here is almost certainly sarcastic or ironic and probably involves a word-play on "hands" and "foot."

25. This is clearly marked in the Tibetan as a question: *rnyed pa ni nye dgas khyer la de'i gtsug lag khang kho bos phyag bdar bya 'am zhes* . . . and such sharp retorts are also characteristic of the earthy, sometimes humorous style of this *Vinaya*. See, for another example, *Cīvaravastu*, GMs iii 2, 123.1, where the distributor-of-robes tells the attendant of a monk who has died to wash the latter's robes and the attendant says: *tvaṃ pariṣkāraṃ bhājayiṣyasi. ahaṃ socayiṣyāmi. tvam eva śocaya*, "You will just distribute these belongings. Why should I clean them? Clean them yourself!"

ascetic monk's justification of his inaction: *ahaṃ tasya vihāraṃ śodhayāmi*, "why should I clean out his *vihāra*?" Notice that nowhere in the account does the apparent private ownership of a *vihāra* by a monk receive comment or criticism. It seems to be taken for granted. In fact the problem for our text does not appear to be the private ownership of a *vihāra* by a monk, but rather certain abuses that such ownership might give rise to. This would probably have been clear already to the reader by the choice of Upananda as the main character: he is in this *Vinaya* the stock figure of the scheming monk who is always trying to find an angle to benefit, and usually enrich, himself.

The problem for our text seems to be that some monks—condensed into the figure of Upananda—did not live in *vihāras* that they owned but, while living elsewhere, used or were using them as sources of income. They allowed other monks to live in their *vihāras*, but they claimed for themselves any income or property that came to the *vihāra*. This income or property was called *lābha*. To translate this by "acquisition" is admittedly not elegant, but it has the advantage of signaling that this is commonly a technical term in this *Vinaya* for property that came to an individual or the *vihāra* over time, that was, quite literally, acquired.[26]

Our text, then—without directly raising the issue of private ownership—seems to have been intended to encourage monks who owned *vihāras* to live in them. At the very least it says that those who claimed ownership of any acquisition that came to a *vihāra* must themselves clean that *vihāra*. But to keep the *vihāra* clean would inevitably require the regular and active presence there of the monk claiming the acquisitions. Read in this way what might otherwise seem to be a simple, if not silly story, turns out to be an attempt to deal with matters of some moment. It appears to be an attempt to force monks to live in—or themselves properly maintain—any *vihāra* that they received benefits from. It is perhaps also worth noting here that a similar tendency towards encouraging or

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26. See *Cīvaravastu*, GMs iii 2, 108.16-113.10 for a long and detailed discussion of the eight kinds of "acquisitions" (*lābha*), and *Vinayavibhaṅga*, Derge 'dul ba Cha 208b.5-211b.4 for an even more detailed enumeration of rules governing the transfer of "acquisitions" intended for one thing or purpose to another. For some idea of the range of things that can fall under the heading *lābha* see, for example, *Pāli Vinaya* iii 266.2: *lābho nāma cīvara-piṇḍapāta-senāsana-gilānapaccayabhesajja-parikkhārā antamaso cuṇṇapiṇḍo pi dantakaṭṭhaṃ pi dasikasuttaṃ pi*, "'an acquisition' means: the belongings —robes, bowls, bedding and seats, medicine for the sick—even a lump of chunam, a tooth-stick, a bit of thread."

reinforcing "stability" can be detected in the terms of many of the gifts recorded in the inscriptions from the Western Caves;[27] and that the preoccupation of monks with "acquisitions" (*lābha*) is a common object of criticism in many early mahāyāna sūtras.[28]

The second case concerning Upananda comes immediately after the first in the *Śayanāsanavastu*. Here Upananda does not own the *vihāra* in question, it has only been "assigned" (*uddiṣṭa*) to him. Its actual ownership is ambiguous. Its donor twice refers to it as his, and he retained an active interest in its condition. The monks refer to it as *sāṃghika*, "of or belonging to the Community."

> [29]The Blessed One had said: "The reward must be assigned in the name of dead donors!" (*abhyatītakālagatānāṃ dānapatīnām namnā dakṣiṇā ādeṣṭavyā iti*). The Elder of the Community (*saṃghasthavira*) was reciting the verse for the sake of dead donors and a certain householder came to the *vihāra*. He heard him assigning the reward. He approached the Elder and said: "Noble One, if I have a *vihāra* built will you assign a reward in my name too?"
>
> The Elder said: "Do so! I will duly make the assignment."
>
> When that householder had had a *vihāra* built he had not given anything to it. It remained entirely empty. When the householder saw that he went

27. See, for example, E. Senart, "The Inscriptions in the Caves at Karle," *Epigraphia Indica* 7 (1902-03): 57 (no. 13); 64 (no.19); E. Senart, "The Inscriptions in the Caves at Nasik," *Epigraphia Indica* 8 (1905-06): 65 (no. 3); 71 (no.4); 73 (no. 5); 78 (no.10); 82 (no. 12); 88 (no. 15); 90 (no. 17)—all of which indicate in one way or another that the gifts they record are intended only for monks who are in residence at a particular *vihāra* or monastery.

28. See, for example, A. von Staël-Holstein, *The Kāśyapaparivarta. A Mahāyānasūtra of the Ratnakuṭa Class* (Shanghai: 1926) Sections 2.8; 5.4; 15.2, .6; 22.3; 112.2, .6; 125.2; 126.18; 131.3; L. Finot, *Rāṣṭrapālaparipṛccha. sūtra du mahāyāna* (St. Petersburg: 1901) 15.1; 17.4, .5, .10; 19.10, .14; 31.16; 33.2; 34.4, .11; 35.2, .11, .13, .17; 36.4; etc. Notice too that in a remarkable passage at the beginning of the Pāli *Suttavibhaṅga* (iii 9.20ff), a passage that presents both a developmental view of the *vinaya* and an explicit enumeration of the "conditions" which worked to create it, the text itself has the Buddha say, in effect, that certain problems will not arise in the order until it has accummulated considerable acquisitions (*lābhaggamahatta*).

29. *Śayanāsanavastu*, Gnoli 37.6-38.13; Tog 'dul ba Ga 286a.6-287b.2 = Derge 'dul ba Ga 211b.1-212a. Here again the whole of this text seems to be represented in the *Vinayasūtra* by a restatement of the first part of its concluding rule: *na prasādalābhasya vaihāratvam*, 111.2: "In regard to an acquisition (given) from gratitude, it does not belong to the *vihāra*."

to the first *vihāra* and said to the Elder: "Noble One, my *vihāra* (*madīyo vihāraḥ*) remains empty. Not a single monk lives there."

The Elder of the Community said: "Sir, it should be made productive (*utsvedya*)!"

The householder said: "But Noble One, it has been built on sterile saline soil (*ūṣare jaṃgale kāritaḥ*). How is it to be made productive?"

"Householder, I did not mean it in that sense (*nāham etat saṃdhāya kathayāmi*), but rather that there is no acquisition (*lābha*) there.

The householder said: "Noble One, whoever now lives in my *vihāra* (*idānīṃ yo madīye vihāre prativasati*), to him I present cloth."

Thinking "an acquisition is obtained," Upananda [got the *vihāra* assigned to him],[30] but he still lived elsewhere. The *vihāra* stood empty. When a mendicant pilgrim monk (*anyatamaḥ piṇḍapātiko caityābhivandakaḥ*)[31]

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30. The text here is uncertain. Gnoli prints *upanandena anupūrveṇa svabhāga iva udgṛhītaḥ*, but this is "ex conject." He says the ms. reads *upanandena svagātryā uddiśitaḥ*. The Tibetan has: *gral rims kyis bab pa na rang gi skal bar blangs nas*, which both here and below seems to presuppose a somewhat different text: where the Sanskrit text has *tūpanandasya bhikṣor uddiṣṭa*, the Tibetan has *dge slong nye dga'i skal bar dbang ngo*; where the Sanskrit has *tavoddiṣṭo 'yaṃ vihāro 'tra tiṣṭhāmi*, the Tibetan has *khyod kyi skal ba'i gtsug lag khang 'dir 'dug go*; and where the former reads *mamāyaṃ vihāra uddiṣṭaḥ* the latter has *gtsug lag khang 'di kho bo'i skal ba yin gyis*. The Sanskrit text, then, uses throughout a form of *ud - diś* to express the relationship of Upananda with the *vihāra* and this is in conformity with monastic procedure elsewhere in this *Vinaya*; cf. *Śayanāsana*, Gnoli 35.4, 39.15, 43.4, 53.24ff, etc., where *vihāras* or "cells" (*layana*) are consistently referred to as "assigned" to monks.

31. *Caityavandaka* (*mchod rten la phyag tshal ba*), which I have translated "pilgrim," is the designation of a specific category of itinerant monk frequently referred to in the *Mūlasarvāstivāda-vinaya*; see *Śayanāsana*, Gnoli 33.26 (where such monks are also described as *āgantukas*, "visitors," "guests"), 49.13 (where such a monk is said to "have come from the country," *janapadād bhikṣuś. . . āgataḥ*); *Carmavastu*, GMs iii 4, 196.9 (where a monk so designated is explicitly said to "have arrived at Śrāvastī from the South," *dakṣiṇāpathāt śrāvastīm anuprāpto*); *Bhaiṣajyavastu*, Tog 'dul ba Ka 439b.6 (= Divyāvadāna 47.26); *Saṅghabhedavastu*, Gnoli i 60.2, 60.27, 91.6, 93.14 (in the last five references the title occurs in what is an interesting editorial comment inserted into the text; in each case a certain place or *stūpa* is referred to and then the redactors add: *adyāpi caityavandakā bhikṣavo vandante*, "Even today pilgrim monks venerate it"—such editorial comments (there are several other kinds as well) will richly reward careful study). The title also occurs at E. Waldschmidt, *Das Mahāparinirvāṇasūtra* (Berlin: 1951) 41.7, 41.12; and in two inscriptions from Amarāvati; see Lamotte, *Histoire du bouddhisme indien* 580, 582-83, where both are wrongly taken to refer to the *Caitika*

came to Śrāvastī and saw that the *vihāra* was empty he asked the monks: "Whose *vihāra* is this?" (*kasyāyaṃ vihāraḥ iti*).

They explained the situation saying: "This *vihāra* belongs to the Community, but has been assigned to the Monk Upananda" (*sāṃghiko 'yaṃ vihāraḥ kiṃ tūpanandasya bhikṣor uddiṣṭa iti*).

The mendicant monk approached Upananda: "This *vihāra* has been assigned to you (*tavoddiṣṭo 'yaṃ vihāro*). May I stay here?"

Upananda said: "You may do so."

The mendicant monk stayed there. He was industrious and not lazy. Everyday he smeared that *vihāra* with cow-dung and cleaned it. —There are five blessings in sweeping: one's own mind becomes clear; the mind of others becomes clear; the gods are delighted; one accumulates roots of merit which are conducive to that which is attractive; and when one's body is destroyed, having departed easily, one is reborn in the heavenly world among the gods.

Those who saw that *vihāra* smeared and swept went to that householder and told him about it. When he heard that he was delighted. Then later he himself went to that *vihāra* and saw that it was indeed well smeared and swept. He was very grateful (*abhiprasanna*) and presented that mendicant with cloth.

Upananda heard about it. He scurried to the *vihāra* and said: "Mendicant, this *vihāra* was assigned to me (*mamāyaṃ vihāra uddiṣṭaḥ*). You must give me the clothe!"

The mendicant thought to himself: "This monk is by nature acquisitive (*lābhātmaka*). If I do not give it to him he will most certainly take it by force and drive me out of the *vihāra*." He handed it over to him.

The monks reported this matter to the Blessed One, and the Blessed One said in regard to this situation: "When someone is grateful to a person and gives him a token of his gratitude, that belongs to that person alone (*yasya prasannaḥ prasannādhikāraṃ karoti tasyaiva sa*). But an acquisition connected with the rainy season retreat belongs to Upananda" (*upanandasya tu vārṣiko lābhaḥ iti*).

Certain elements of the first part of this text have already been dealt with elsewhere.[32] Here we might note the motive our text attributes to the donor or builder of a *vihāra*. The donor here is moved to act as a result of hearing the Elder of the Community reciting a verse and assigning the reward or merit to dead donors. This is apparently what the present donor wants as well. He acts—if you will—not so much out of concern for this life as for the next, and the Elder assures him that should he

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"sect." For an instance in which lay men are referred to as *caityābhivandakas* see *Śayanāsanavastu*, Gnoli 33.11 cited below p. 25.

32. Schopen, "Doing Business for the Lord," 545ff.

have a *vihāra* built this will be done for him too. The recitation of verses for the benefit of donors was apparently a regular part of a Mūlasarvāstivādin monastic community's activity. It was apparently not only a public event—the householder heard it being done when he went to the *vihāra*—but at least one text indicates that it was done daily as a part of the regular round of monastic chores. The text in question now forms a part of the *Kṣudrakavastu* and describes "the rules of customary behavior for monks who have been given a penance" (*bslab pa byin pa'i dge slong gi kun tu spyad pa'i chos*). The activities of such a monk are severely restricted—he cannot accept any form of greeting or salutation from monks in good standing, cannot sit with them, etc.—but he must also perform the daily round of chores and rituals:

> [33]Having risen early in the morning he must open the door. The lamp-pots are to be cleaned. The *vihāra* must be watered down, swept and smeared with fresh cow-dung. The latrine is to be swept, and earth and leafs and cold or hot water—depending on the season—are to be provided. The openings of the drains must be cleaned . . .

And:

> When it is time to assemble he must arrange the bedding and seats and set out the incense and censer. He must recite the Qualities of the Teacher (*ston pa'i yon tan bsgrags par bya*[34]). He must announce the date saying:

33. *Kṣudrakavastu*, Tog 'dul ba Ta 156b.1-157b.4 = Derge 'dul ba Tha 103b.1-104a.5; cf *Vinayasūtra* cited in n.35.

34. The Sanskrit that *ston pa'i yon tan bsgrags par bya* is translating is virtually certain because of a close parallel for this passage in the *Pārivāsikavastu*, GMs iii 3, 97.17: *sacet pratibalo bhavati śāstur guṇasaṃkīrtanaṃ kartum svayam eva kartavyam . noced bhāṣaṇakaḥ praṣṭavyaḥ*, "If he is able to perform the Proclamation of the Qualities of the Teacher he himself should do it. If he is not able, a reciter is to be asked." In the Tibetan translation of the *Pārivāsikavastu* (Tog 'dul ba Ga 241.1ff) *śāstur guṇasaṃkīrtanaṃ* is translated by *ston pa'i yon tan bsgrag par*, which corresponds exactly to what we find in our *Kṣudrakavastu* passage. When *śāstur guṇasaṃkīrtanaṃ* occurs a little later in the same passage the Tibetan renders it *ston pa'i yon tan yang dag par bsgrags pa*. Unfortunately I do not know whether the "Proclamation of the Qualities of the Teacher" involved a specific text, and if so, what that text might be. That it involved a ritualized recitation is, however, almost certain. Sylvain Lévi, in what remains a remarkable piece of scholarship, cited—among a wealth of other texts — a passage from the Chinese translation of the

> "Reverend Ones, may the Community hear! Today is the first day of the winter month. The verse for the benefit of the Owner of the *Vihāra* (*vihārasvāmin*), and for the gods of the *vihāra*, must be recited." But if he is not able to do it he must entrust it to a monk! (*dge 'dun btsun pa rnams gsan du gsol / deng dge 'dun gyi tshes gcig lags te / gtsug lag khang gi bdag po dang / gtsug lag khang gi lha rnams kyi don du tshigs su bcad pa gsungs shig ces nyi ma brjod par bya / ci ste mi nus na dge slong la bcol bar bya'o/*)

Although here the announcement of the day and the call to recite the verse for the Owner of the *Vihāra* are made by a monk undergoing a penance, it appears from the closely parallel passage in the *Pārivāsika-vastu* preserved in Sanskrit that this was otherwise done by the *Upa-dhivārika*, the Provost or monk in charge of physical properties in a monastery:

> The day must be announced: "Reverend Ones, may the Community hear! Today is the 10th of the half-month"—and so on in the same way as the monks in charge of physical properties announce it" (*divasa ārocayitavyaḥ /*

Mūlasarvāstivāda-vinaya in which the Buddha is made to say that only two things are to be recited with "the intonations of a chant": "Il y a exactement deux choses qu'on fait avec des intonations de cantilène: 1 célébrer les vertus du Grand Maître; 2 réciter le livre sacré des Trois Ouvertures" (S. Lévi, "La récitation primitive des textes bouddhiques," *Journal Asiatique* [1915]: 432). The Tibetan version of this text is found at *Kṣudrakavastu*, Tog 'dul ba 67b.3-69a.3 = Derge Tha 45b.6-46b.5, and the passage in question reads: *'di ltar ston pa'i yon tan yang dag par bsgrag pa dang / rgyud chags gsum pa gdon pa dag ni skad kyi gtang rag gis gdon par bya'o.* Given the correspondences already established it is virtually certain that Lévi's "célébrer les vertus du Grand Maître" is the same as the *śāstur guṇasaṃkīrtanaṃ kartum* of the *Pārivāsikavastu* (his "le livre sacré des Trois Ouvertures" corresponds to what in Sanskrit is called the *Tridaṇḍaka*, on which see G. Schopen, "On Avoiding Ghosts and Social Censure: Monastic Funerals in the *Mūlasarvāstivāda-vinaya*," *Journal of Indian Philosophy* 20 (1992): 32-34, n.62; and, independently, H. Hu-von Hinüber, *Das Poṣadhavastu. Vorschriften für die buddhistische Beichtfeier im Vinaya der Mūlasarvāstivādins* (Reinbek:1994) 209-10).—For the corresponding passage to *Pārivāsikavastu*, GMs iii 3, 97.17 in the *Vinayasūtra*, see 104.28ff which also refers to *śāstur guṇasaṃkīrtana*; and for what appears to be the corresponding passage to *Kṣudrakavastu*, Tog 'dul ba 67b.3-69a.3 see *Vinayasūtra* 55.10: *kuryāt śāstṛ-guṇasaṃkīrttane tridaṇḍakadāne ca svaraguptim*, and Derge, *bstan 'gyur*, Wu 43b.7 where *svaragupti* is translated by *dbyangs kyi nga ro*.

śṛṇotu bhadantaḥ saṃghaḥ / adya pakṣasya daśamīty evamādi yathā upadhivārikā ārocayanti/).[35]

The *Śayanāsanavastu*, the *Kṣudrakavastu*, and the *Vinayasūtra* all refer to a formally announced ritual recitation of verses. The fact that the first says that it is done for deceased *dānapatis* or donors, while the second two say it is for the *vihārasvāmin* or Owner of the *Vihāra*, would seem to suggest, if all are referring to the same activity, the additional fact that the two titles—*dānapati* and *vihārasvāmin*—could be used interchangeably, or that the two titles could be carried by the same person. *Vihārasvāmin*, of course, is the title we have already met in inscriptions, and will meet again in our *Vinaya*.

It is also incidentally worth noting that our text suggests that a *vihāra*, to be inhabitable, must carry benefits or "be made productive"; and that the terms of the donor's grant of cloth appear once again to have been designed to encourage "stability" or continued residence in a *vihāra*: the first grant of cloth is not to the monastery, but to he who lives in it. The

35. *Pārivāsikavastu*, GMs iii 3, 98.7, and preceding note. *Upadhivārika*, "The Provost or monk in charge of physical properties," is one of the numerous monastic administrative titles which have yet to be closely studied. The *upadhivārika* sometimes appears as a monk of some status, and sometimes almost as a janitor; see *Bhaiṣajyavastu*, GMs iii 1, 249.8; *Cīvaravastu*, GMs iii 2, 146.15; *Kṣudrakavastu*, Tog 'dul ba Ta 242a.1-243a.2 = Derge 'dul ba Tha 159b.3-160a.6 (cited below); *Vinayavibhaṅga*, Derge 'dul ba Ca 103b.4ff; 152b.1ff; etc.; and also *Vinayasūtra* 115.3ff; 119.1-.10. It will have been noticed that in explicit regard to the reciting of the verse and assigning the reward to dead donors the *Śayanāsanavastu* says this was done not by the *upadhivārika*, but by the *saṃghasthavira* or "Elder of the Community," and at least the assigning of the reward is also elsewhere said to be the responsibility of the *saṃghasthavira* (see *Poṣadhavastu*, GMs iii 4, 80.8-.12). But a passage in the *Vinayasūtra*—which if not drawn from the *Kṣudrakavastu*, is based on a text remarkably close to it—again attributes these activities to the *upadhivārika*; *upadhivārikena tata āgamyārocanaṃ samghe / viśeṣitasya / pakṣabhedena / vihārasvāmidevatārthañ ca gāthābhāṣaṇe bhikṣūṇāṃ niyogasya vaca-nam / anantaram / adya śuklapakṣasya pratipad vihārasvāmino vihāradevatānāṃ cārthāya gāthāṃ bhāṣadhvam iti* (76.14-.20): "By the monk in charge of physical properties then, when it is determined, there is the announcing to the Community of the particulars, of the time of the month, (and) the declaration of the duty of the monks in regard to the recitation of verses for the benefit of the Owner and the gods of the *vihāra*. To wit: 'Today is the first day of the bright half of the fortnight. You must recite the verses for the benefit of the Owner of the *vihāra* and for the gods of the *vihāra*!'"

second gift of cloth is equally interesting. It is made out of personal gratitude—not out of obligation nor as a part of the regular benefits attached to the monastery—and it is made to a specific individual, not to anyone who resides in the monastery. The text, moreover, explicitly says that this sort of gift "belongs to that person alone." It is the private property of the monk involved and forms thus—along with inheritance of family property—a part of the private wealth that the *Mūlasarvāstivāda-vinaya* allows monks to have.[36] Such a gift, made as a token of personal gratitude, also tells us something important about a donor's relationship to his *vihāra*.

Our text uses the expression *prasannaḥ prasannādhikāraṃ karoti* which I have understood here, in light of two instances of its use in a text from the Mūlasarvāstivādin *Vinayavibhaṅga* now preserved in Sanskrit in the *Divyāvadāna*, to mean something like: "being grateful he gives a token of his gratitude." The *Vibhaṅga* text[37] concerns a boy who, as a result of seeing the Wheel of Rebirth with its five possible destinations painted on the porch of the Veṇuvana monastery (*sa vayasyakena sārdhaṃ veṇuvanaṃ gato vihāraṃ praviṣṭaḥ paśyati dvārakoṣṭhake pañcagaṇḍakaṃ cakram abhilikhitam*), is determined to be reborn in heaven. Told by a monk that he can achieve this by feeding the Buddha and his monks, but lacking the means to do so, he hires himself out to a householder who is building a house. Because of his ability to keep the other laborers at their work—he tells great stories—twice the work usually done in a day is finished. As a consequence the householder starts to give the boy twice his promised wage and the boy asks why he is giving him two days wages. The householder says: *putra na dvidaivasikāṃ dadāmy api tu prasanno 'haṃ prasannādhikāraṃ karomīti*. Edgerton suggests that *prasannādhikāra* means here "service tendered by one who

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36. See, *Kṣudrakavastu* Tog 'dul ba Ta 377a.2-379a.4 = Derge 'dul ba Tha 252b.3-254a.1; cf Schopen, "Monastic Law Meets the Real World," 110ff.

37. For the Sanskrit text see *Divyāvadāna* 298.24-311.10; for the Tibetan, *Vinayavibhaṅga*, Derge 'dul ba Ja 113b.3-122a.7; the first part of this text has been translated from the Chinese version of the *Mūlasarvāstivāda-vinaya* in J. Przyluski, "La roue de la vie à ajaṇṭā," *Journal Asiatique* (1920): 314-19; on the identification of *Divyāvadāna* 298.14ff with the *Vibhaṅga* text see S. Lévi, "Les éléments de formation du divyāvadāna," *T'oung Pao* 8 (1907): 105-22; esp. 107; on the relationship of the *Divyāvadāna* and the *Mūlasarvāstivāda-vinaya* see, more recently, H. Satoshi, "The Relation between the *Divyāvadāna* and the *Mūlasarvāstivāda-vinaya*. The Case of *Divyāvadāna* Chapter 31," *Indogaku Bukkyōgaku Kenkyū* 49.2 (1991): 1038-1036.

is kindly disposed, i. e. service of friendship,"[38] but this seems to be a little off. The householder is not tendering a "service" but making a gift, and not from friendship but from gratitude for a service done for him. He is, then, perhaps more precisely saying: "Son, I am not giving two days wages, but I, being grateful, am giving a token of my gratitude." Later in the same story the boy gives food left over from the meal intended for the Buddha and his monks to a group of merchants. They are described as *abhiprasanna*, which here certainly cannot mean "believing in" and must mean something more than Edgerton's "favorably disposed." They are more accurately "pleased" or "moved" or"grateful" for a service done for them. The boy had given them food when they were unable to buy any in Rājagṛha because it was a holiday (*rājagṛhe ca parva pratyupasthitam iti na kiṃcit krayeṇāpi labhyate*—some things never change!). The merchants gave the boy a heap of jewels, but the boy initially refuses it saying that he does not give for a price (*na mayā mūlyena dattam iti*). The merchants respond by saying they are not paying him for the food *kiṃtu vayam tavābhiprasannāḥ prasannādhikāraṃ kurmaḥ*, which again would seem to mean, "but we, being very grateful to you, are giving a token of our gratitude."[39]

In these two passages the meaning of *prasannādhikāra* seems to be unusually clear. Both take some pains to point out that a *prasannādhikāra* is neither a wage nor a payment. And both indicate that it is something given in response to action that personally benefits or affects the giver. It is hard to imagine that its sense is any different in our passage from the *Śayanāsanavastu*. This would then mean, however, that something done for a *vihāra* was thought to personally benefit its *dānapati* or donor, that *vihāra* and donor remained intimately linked, and that the interests—however defined—of the latter in the former continued over time.

Defining precisely the interests of the donor in the *vihāra* described in the *Śayanāsanavastu* is, at this stage, still difficult. In the monks' response to the direct question "whose *vihāra* is this?" the text has them say: "this *vihāra* belongs to the Community (*sāṃghika*). But when the donor speaks he twice refers to it as "my *vihāra*" (*madīyo vihāro*). The use of the form *madīya*, rather than the usual genitive of the first person pronoun, would seem to want to emphasize the fact of his ownership.

38. F. Edgerton, *Buddhist Hybrid Sanskrit Dictionary* (New Haven: 1953) s. v. *adhikāra*.

39. *Abhiprasanna* is sometimes better rendered by "very pleased," "gratified," or—and perhaps even here—when it involves a reaction to fine, beautiful or expensive things, "greatly affected"; cf. the text cited below, p. 25.

Moreover, our text also implies that even if the Community in some sense owns the *vihāra*, it does not hold it outright or without obligation. If actually given, the gift of the *vihāra* was made on the understanding that at least a recitation of verses and an assigning of merit would be performed for the donor, and it appears that this was both a daily obligation and that the obligation continued even after the death of the donor. This arrangement looks more and more less like a gift than an exchange of mutual benefits.

The same language of possession occurs elsewhere in the *Mūlasarvāstivāda-vinaya* in a variety of other contexts as well. Three further examples must suffice. In yet another passage from the *Śayanāsanavastu*,[40] for example, it is said that a householder had built two *vihāras* and that it was his "usual practice" (*ācarita*) to distribute cloth to each of the monks who had entered the rainy season retreat in them. When he went to one of the *vihāras* to do so Upananda had arranged for Nanda, another monk, to get a share for him there, while he ran off to the second *vihāra* to get a second share at that *vihāra* as well. The following exchange occurred:

> Nanda held out his hand. The householder gave him cloth.
> He held it out again.
> The householder said: "Noble One, you have been given cloth. Why do you hold out your hand again?"
> Nanda said: "Householder, Upananda has entered into the rainy season retreat in your *vihāra* (*tava vihāre*). I seek something that he can have?"

The householder, of course, does not give it to him, ironically citing the Buddha's authority to a monk: "Noble One, the Blessed One has praised giving with one's own hand. So with my own hand I will give."[41] Here the person who built the *vihāra* is the same person who also regularly distributes cloth there during the rainy season. And the Monk Nanda, at least, refers to the *vihāra* as that person's.

40. *Śayanāsanavastu*, Gnoli 40.13-41.6; Tog 'dul ba Ga 289a.4-290a.1 = Derge 'dul ba Ga 213a.7-213b.7.

41. *svahastena bhagavata [rd:-tā] dānaṃ praśastam svahastenaiva dāsyāmi iti*; the same statement also occurs elsewhere, e. g. *Kṣudrakavastu*, Tog 'dul ba Ta 64a.6 = Derge 'dul ba Tha 43b.3: *bcom ldan 'das kyis rang lag nas dbul ba bsngags pas / rang gi lag nyid nas dbul gyis . . .*

There is—as a second example—yet another interesting passage from the *Vinayavibhaṅga*.[42] Here, when *vihāras* in Vaiśālī fall into disrepair the donors (*sbyin bdag dag, dānapati*) are said to have made the following observation and determination:

> If even the *vihāras* of we who are still living, abiding, continuing and alive fall into ruin like this, how will it be for the *vihāras* of those who are dead? We should give a perpetuity to the Community for building purposes (*bdag cag gson zhing 'dug ste / 'tsho zhing sdod pa rnams kyi gtsug lag khang dag kyang 'di ltar 'jig na shi ba rnams kyi ji ltar 'gyur / bdag cag gis mkhar len gyi rgyur dge 'dun la mi zad pa dbul bar bya'o. . .*)

Here again lay donors are presented as thinking of the *vihāras* in question as their own. There are *vihāras* of donors who are still living, and *vihāras* of those who are dead, but none of the *vihāras* are said to belong to the Community. The sense of ownership here seems in addition to have created specific obligations. The donors themselves determine that they should provide the financial resources for the future maintenance of their *vihāras*. Both their interest and their obligation are very long term, and to service both they provide permanent endowments.

The last example of the language of possession to be cited here is also, perhaps, the strongest, and comes again from the *Vinayavibhaṅga:*

> [43]Once when one householder had two *vihāras*, a forest-*vihāra* and a village-*vihāra* (*khyim bdag gcig la gtsug lag khang dgon pa dang / grong mtha' pa gnyis yod nas*), there was an abundance of bedding and seats in his (*de'i*) village-*vihāra*, but in the forest-*vihāra* there were very few. On one occasion when there was a festival (*dus ston*) in the *vihāra* in the forest the forest-monks were going to borrow (*g-yar ba*) bedding and seats from the village-*vihāra*, but the village-monks would not let them.
>
> The Blessed One said: "They must be lent! (*brnyan par bya'o*). If there is rain or the threat of rain they must not be lent!"
>
> While on the way they were spoiled by wind and rain.
>
> The Blessed One said: "They should be piled under a large tree or near a wall and covered with something!"
>
> The monks covered them with something good.
>
> The Blessed One said: "They should be covered with things of little value!"

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42. *Vinayavibhaṅga*, Derge 'dul ba Cha 154b.3ff; this text is discussed in some detail in Schopen, "Doing Business for the Lord," 527ff; and the corresponding passage from the *Vinayasūtra* is also treated there, 541ff.

43. *Vinayavibhaṅga*, Derge 'dul ba Ja 15a.3-15b.1.

When the festival had ended the monks thought: "This *vihāra* too belongs to that householder" (*gtsug lag khang 'di yang khyim bdag de'i yin no snyam nas*), and did not give them back.

The Blessed One said: "They must be brought back with force!" (*mthus dgug par bya'o*).[44]

The monks did not know which was which.

The Blessed One said: "Write on them 'this bedding and seat belong to the forest-*vihāra* of the householder so-and-so,' 'this belongs to the village-monastery' (*gnas mal 'di ni khyim bdag cha ga ma zhig gi dgon pa'i gtsug lag khang gi yin no / 'di ni grong mtha'i gtsug lag khang gi yin no zhes yi ge bri zhing*[45]), and as the bedding and seats are clearly identified, so they are to be used!"

The references here to the lay possession of *vihāras* can hardly be called casual. In fact the entire purpose of the text is to deal with a situation in which a lay man has not one, but two *vihāras*, and the relationship of the lay man to the *vihāras* is expressed in a variety of ways.

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44. Though this seems fairly strong talk it is hard to interpret otherwise since *mthus* here almost certainly is translating something like *balāt*, as it does at *Śayanāsanavastu*, Gnoli 38.9 cited above 14. What I have there translated as "will take it by force" is in Sanskrit *balāt grahīṣyati*, and this is rendered into Tibetan as *mthus khyer nas*. Moreover, what appears to be the corresponding passage in the *Vinayasūtra* has *balād adāne grahaṇam* (*mi ster na mthus gzhung bar bya'o*): "In regard to what was not given, it is to be taken (back) by force."

45. I have taken *cha ga ma* to be the same as, or intended for *che ge mo* (*=amuka*). For the *Vinayavibhaṅga* I unfortunately have access only to the Taipei reprint of the Derge, but the *Vinayasūtra*, cited below, also seems to suggest an intended *che ge mo*. If I am correct, the rules generated by this *Vinayavibhaṅga* text are treated in two widely separated places in the *Vinayasūtra*. First at *Vinayasūtra* 36.3-.5 (=Derge Tanjur 'dul ba Wu 28b.6-.7) where we find: *dāsyatvam eṣām apratilambhane / dānatve 'pi gṛhapater niyater abhaṅgaḥ / balād adāne grahaṇam / dadyur yācitakatvena* / (*mi ster na de dag gis sbyin par bya ba nyid yin no / khyim bdag de nyid yin yang nges pa la gzhig pa med do / mi ster na mthus gzhung bar bya'o / g-yar po nyid du sbyin par bya'o /*. Then at *Vinayasūtra* 119.1-.2 (=Derge Tanjur 'dul ba Wu 98b.3): *adoṣaṃ nimittakaraṇam /sāṃghike nāmnaḥ śayanāsane lekhanam / deyadharmo 'yam amukasyedaṃ nāmni vihāra iti* (*mtshan ma byas pa nyid la nyes ba med do / dge 'dun gyi gnas mal la ming yi ger bri'o / 'di ni che ge mo'i gtsug lag khang ming 'di zhes bya ba'i sbyin par bya ba'i chos so zhes so/*). Enough is clear in these two passages to make it fairly sure that both are related to, or based on, our *Vibhaṅga* text, but enough is not so clear that I, at least, do not have the confidence to attempt a translation of either.

Strictly speaking Tibetan has no verb corresponding to the English "have," but it commonly expresses the notion of "to have"—as it does in the opening clause of our text—by the construction: "subject" + *la* particle + thing or things + the existential verb "to be," *yod*. The force of the construction is clear from some examples in our grammars. Hahn, for example, gives *rgyal po de la sras gsum mnga'o* (respect form for *yod pa*): "Für jenen König sind drei Söhne da; jener König hat drei Söhne"; Bacot, *bdag la dam pa'i chos yod do*, "J'ai le bonne Loi," or *mi 'di la pha ma yod*, "Cet homme a ses parents."[46] It therefore expresses possession in the broadest possible sense. In addition to this, the village *vihāra* is said to be "his," using the genitive of the pronoun (*de'i*), and, using yet another common construction, the forest-*vihāra* is said "to belong" to him (*khyim bdag de'i yin no*).

But perhaps the most interesting statement of ownership in the text is the last one. The Buddha rules that the property of a *vihāra* should be labelled, but not—be it noted—by writing on it "this is the property of the Community," or something like that. It is, rather, to be identified as belonging to the *vihāra of the householder so-and-so*. If nothing else, the generic nature of this formula—it is essentially a form in which the blank "so-and-so" is to be filled in with an actual name—points to how common it might have been that a *vihāra* belonged to householders. There is at least one other text that might suggest that all *vihāras* did.

The account in the *Kṣudrakavastu* of the *Mūlasarvāstivāda-vinaya* which describes the conditions under which the Buddha ruled that monks should use the kind of seals that have been recovered from a number of monastic sites in India, and which we have already referred to, starts—like the last part of our *Vibhaṅga* text—with a confusion over property:

> [47]In the *vihāra* thieves stoled from the Community's strong room and from the individuals' cells. Moreover, when what belonged to other monks was mislaid, having mislaid their belongings, they did not know what they had received. The monks reported this matter to the Blessed One.
>
> The Blessed One said: "Since it is henceforth authorized, a seal should be carried!"

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46. M. Hahn, *Lehrbuch der klassischen tibetischen Schriftsprache* (Bonn: 1985) 84 (114.b); J. Bacot, *Grammaire du tibétain littéraire* (Paris: 1948) t.II, 102, s. v. *yod pa*.
47. *Kṣudrakavastu*, Tog 'dul ba Ta 11a.2-11b.6 = Derge 'dul ba Tha 7b.6-8a.7.

> (*gtsug lag khang du ma byin par len pa rnams kyis / dge 'dun gyi mdzod dang / gang zag gis [rd: gi] gnas khang dag nas brkus so / dge slong gzhan dag cig gi yang stor na / bdag cag gi stor nas ji tsam lon pa ma tshor ro / skabs de dge slong rnams kyis / bcom ldan 'das la gsol ba dań / bcom ldan 'das kyis bka' stsal pa / de lta bas na gnang gis / rgya bcang bar bya'o/*)

But once allowed to have seals the group of six had lewd scenes engraved on them—"a man and woman having sex." In response to lay criticism of such seals, the Buddha is then made to say:

> There are two sorts of seals, those of the Community (*dge 'dun gyi*) and those of the individual (*gang zag gi*). For the seal of a Community, when a wheel has been engraved in the middle, on each side of it a deer should be engraved, and below this the name of the Owner of the *Vihāra* (*'og tu gtsug lag khang gi bdag po'i ming bri bar bya'o*).[48]

This passage would seem to suggest that the name found on a seal like that from Inṭwā discussed above is the name of the *vihārasvāmin*, even if that title is not actually used. More importantly, it is obvious that the instructions given in our text were intended to be general, that they were meant to apply to all Mūlasarvāstivādin monasteries. But since this would mean that the seals of all monasteries should have below the wheel and deer the name of the *vihārasvāmin*, this would in turn strongly suggest that the redactors of this text assumed that every monastery had a *vihārasvāmin*. And it is worth repeating that in both inscriptions and texts the *vihārasvāmin* is—in all unambiguous cases—a lay person.

It would seem, then, that the evidence cited so far for the lay ownership of Buddhist monasteries in India is strong, if not yet specific: we have yet to see in what sense or senses we are to understand that "ownership," or what specific legal rights that ownership entailed. Of course, the fact that specifics are hard to come by might itself be significant. It, and the pervasive use of the language of possession as if it were perfectly straight-forward and unproblematic, may suggest that such ownership and its attendant rights were assumed to be so well known and

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48. Cf. *Vinayasūtra* 54.25: *dhārayet mudrān . . . cihnaṃ sāṃghikāyāṃ madhye cakraṃ pārśvayor mṛgāv adhstād vihārasvāmino nāma*: "They should keep (or wear) seals . . . The insignia on a Community's (seal should be) a wheel in the middle with a deer on each side (of it); beneath it the name of the owner of the monastery."

understood that they did not require explanation.[49] There are, however, some texts in which the nature of that ownership and at least some of its attendant rights are more explicitly stated. Although there are undoubtedly others, I limit myself here to two examples. The first comes again from the *Śayanāsanavastu*:

> [50]When the householder Anāthapiṇḍada had covered the grove with ten million (*koṭī*) and had bought it from Prince Jeta and presented it (*niryātita*) to the Community of Monks headed by the Buddha, then pious pilgrims from various places (*nānādeśanivāsinaḥ śrāddhāś caityābhivandakā*) came to Śrāvastī.[51] Some of them were greatly affected (*abhiprasanna*) and said: "Noble One, we too would have a site built here in the Jetavana for the Noble Community" (*ārya vayam apy āryasaṃghāya jetavane kiṃcid vastu kārayema iti*).
>
> The monks said: "When you have bought the land for a price (*mūlyena bhūmiṃ krītvā*) you may do so."
>
> "Noble Ones, for what price is it given?" (*kiyatā mūlyena dīyate*)
>
> "For so much gold" (*iyatā hiraṇyena*)
>
> "Noble One, where are we going to get that much? But if we get a place on this spot we are going to have it built on (*ārya kuto 'smākam etāvad bhavati; tathāpi tu yady etasmin pradeśe labhāmahe karayāma iti*).
>
> The monks reported this matter to the Blessed One.

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49. Cf. the remarks in N. Hunt, *Cluny under Saint Hugh. 1049-1109* (London: 1967) 166, in regard to monastic donors in 11th and 12th Century France: "Some donors liked to retain the *advocatio* or *defensio*, whereby they remained the lawful protectors of their monasteries, especially in temporals and against other lay interference. Their rights, regarded by contemporaries as natural to the owner or founder of a monastery, were nowhere clearly defined." Notice how the terms "donor," "founder" and "owner" are used in this quotation. Such usage points to the same sort of fluidity and overlapping of titles and statuses that occur in our texts where the "founder" or "donor" also appears to be the "owner." In a situation of this sort the term "donor" is—like the term "monastery"; see n.2 above—only a convenient gloss for a much more complicated status, and is used as such throughout this paper.

50. *Śayanāsanavastu*, Gnoli 33.9-.25; Tog 'dul ba Ga 283a.4-283b.4 = Derge Ga 209a.7-209b.5; for the *Vinayasūtra* see below n.53.

51. Here the title *caityābhivandaka* appears to be applied to laymen; see n.31 above.

The Blessed One said: "The householder must be asked for permission! (*gṛhapatir avalokayitavyaḥ*). If he authorizes it (*anujānīte*), it should be built.[52]

The monks asked the householder Anāthapiṇḍada permission (*bhikṣubhir anāthapiṇḍado gṛhapatir avalokitaḥ*).

He said: "I authorize pious brahmins and householders to do a meritorious work that depends on me for the sake of the Community. I do not authorize doing it for the sake of an individual (*sa kathayati. mām āgamya śrāddhā brāhmaṇagṛhapatayaḥ saṃghasyārthāya puṇyakriyāvastu kurvanti anujānāmi; pudgalasya kurvanti nānujānāmi iti*).

The monks reported this matter to the Blessed One, and the Blessed One said: "Therefore, I authorize (*anujānāmi*) that it is to be built for the sake of the Community. When it is for the sake of an individual the donor must be asked for permission (*dānapatir avalokayitavyaḥ*). If he authorizes (*anujānīte*) it it is to be built. If he does not authorize it it is not to be built.[53]

Although they do not affect the main point of the passage, some elements of the language here are difficult to render smoothly and certainly into English. The pious pilgrims, for example, say *vastu kārayema*. *Vastu* here is almost certainly used for what in Classical Sanskrit is more commonly spelt *vāstu*. Edgerton defines *vastu* as "site" or "place," giving as examples the site on which a hut stands or a city is to be built. But *vastu* itself also can mean "building"—as in *Vāstuśāstra*, "the science of architecture"—or "a building." In his translation of the *Arthaśāstra* Kangle translates *vāstu* as "a building site" and as "immovable property," and the text itself includes "a house, a field, a park, an embankment, a tank or a reservoir" under the term.[54] It is, of course, difficult to get all of this into a translation, but it is clear that the pious pilgrims want both

52. Except when translating the phrase *puṇyakriyāvastu kurvanti* immediately below the Tibetan consistently translates forms of *kṛ-* in our text by forms of *rtsig pa* which means much more specifically "to build."

53. See *Vinayasūtra* 110.23 (= Derge, Tanjur Wu 92b.1) where this text from the *Śayanāsana* is represented by: *anujānīyur anyeṣāṃ sāṃghike vastuni saṃghāya pudgalāya vā bhikṣave vāsavastukaraṇaṃ / saṃśce*(?)*d* [rd. *sacet*] *dānapatir anujñātena* (*gal te sbyin bdag yod na des rjes su gnang na'o*), "They should authorize the making of a dwelling place by others for the Community or an individual monk on a site belonging to the Community. If there is a donor (it should be done) through being authorized (by him)."

54. Edgerton, *Buddhist Hybrid Sanskrit Dictionary* 475, s. v. *vastu*; R. P. Kangle, *The Kauṭilīya Arthaśāstra*, 2nd ed. (Bombay: 1969) Pt. 1, III, 8, 1ff; 332.

to build and a site on which to build within the Jetavana. Likewise difficult to translate is the compound *puṇyakriyāvastu* which here at least may in part be punning off *vāstu*. Edgerton, again, defines the expression as an "object or item of meritorious action"; de la Vallée Poussin, who I follow, translates it in the plural as "oeuvres méritoires."[55]

In spite of these difficulties, however, the basic situation of our text is not in doubt. Anāthapiṇḍada had presented (*niryātita*) the Jetavana to the Community. Then other lay persons also wanted to build there. The monks tell them they must, in effect, first buy the land on which they would build. The monks, in other words, are purposing to "sell" what should belong to them. But when—in spite of a stiff price—the lay men agree, the text makes it clear that the monks do not themselves have the exclusive rights to do so. They cannot act without the donor's permission. If he does not authorize it it cannot be done. The donor then retains control and certain rights of ownership even after he has "presented" the property in question to the Community.

The text goes on, however, to modify these rights and we may be seeing in our text two stages in what might have been a historical process. Anāthapiṇḍada is made to concede some of his rights of ownership for certain purposes. He allows others to perform "oeuvres méritoires" at *his vihāra if* it is for the sake or benefit of the Community, but not if it is for the sake of an individual. But this too is not quite the end. Anāthapiṇḍada's judgment would have categorically disallowed actions "for the sake of an individual" if it had become the general rule. The general rule articulated by the Buddha at the end of the text, however, is more flexible. The Buddha is made to allow building activity by others at a *vihāra* that appears to still belong to and be under the control of the original donor if it is for the benefit of the Community; but it is also allowed if it is for the benefit of an individual *and* the original donor also allows it. The solution here is—as it frequently is in the *vinaya*—a complicated one. But even after several modifications it is clear that the original donor or owner of a *vihāra* continued to have some control over who could or could not participate in and add to his pious foundation.

The donor in our text retained this control over his monastery in regard to, above all else, meritorious works done "for the sake of an individual,"

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55. L. de La Vallée Poussin, *L'abhidharmakośa de vasubandhu*, t. III (rep. Bruxelles: 1971) 15; 94 ("bonnes oeuvres"); 231ff. For passages where monks exhort lay men by praising the *puṇyakriyāvastus* see *Vinayavibhaṅga*, Derge 'dul ba Ca 246b.6ff; *Kṣudrakavastu*, Derge 'dul ba 192a.3ff; etc.

pudgalasyārthāya, but what precisely this expression might intend is not immediately determinable. Generally in both the Mūlasarvāstivadin and the Pāli *Vinayas* the contrastive categories *sāṃghika* and *paudgalika* are used to distinguish that which belongs to or refers to the Community as a whole from that which belongs to or refers to an individual monk. This is the case, for example, in the passage concerning seals cited above. If this same contrast or distinction is intended in our present text then the donor's control does not extend to meritorious works done at his *vihāra* which are for the sake of the entire Community, but is restricted to works done for the benefit of individual monks. This, however, is only one possibility.[56] In light of what we sometimes find in inscriptions there is also at least one other. In a Kuṣān inscription from Mathurā, for example, it is said that an image was set up by a monk donor "in his own shrine in the *vihāra* belonging to the timber merchants" (*kaṣṭi[k]īy[e v]ihāre svakā[yaṃ ce]ti[ya]kuṭiyaṃ*).[57] The language here suggests—as has already been indicated—that individuals could and did own smaller units within a monastery. There is a distinct possibility that it is this sort of "individual" (*pudgala*) ownership of a shrine or chapel in a monastery that our text is putting directly under the control of the original donor or owner of the *vihāra*. It is not inconceivable that the monk Nāgadatta—the donor of the image in the Mathurā inscription—was required to, and had sought the authorization of the timber merchants to establish his own shrine or *cetiyakuṭi* in their *vihāra*, and that it was precisely this sort of situation that our text envisioned.

If the language in regard to the phrase "for the sake of an individual" is ambiguous, the language used to express the force of the donor's authority is not. The verb used to express the donor's authority is *anujānīte*, "to authorize, allow or permit." This verb occurs hundreds, if not thousands of times in canonical *vinaya* texts and it is its very frequency that makes its use here at least a little startling. It is the verb used whenever the Buddha himself sanctions a practice, as he does at the end of our text or in the text concerning monastic seals already cited. But here in our text it is not only the Buddha who "authorizes"; the *dānapati* does so as well. In this one case—and I can cite no others—a lay man actually performs the same action in regard to the monks as the Buddha himself does. The *dānapati* here in fact is allowed to determine what the monks

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56. But note, however, that the corresponding passage in the *Vinayasūtra* (cited above in n.53) has clearly also adopted this possibility.
57. Lüders, *Mathurā Inscriptions*, 191-92 (no.157).

can and should do. Like the Buddha and only the Buddha, he too—at least in regard to his *vihāra*—determines what is allowed. This would appear to be a remarkable admission of the strength of his rights.

The second text that we might look at that explicitly deals with some of the continuing ownership rights of a donor—here again called the *vihārasvāmin*—is yet another text from the *Kṣudrakavastu*. Our text describes the proper procedure to be followed in abandoning a *vihāra*.

[58]The Buddha, the Blessed One, was staying in Śrāvastī, in the Jetavana, in the Park of Anāthapiṇḍada.

A householder living in a mountain hamlet (*ri 'or*)[59] had a *vihāra* built. He supplied it with all the requisites (*yo byad*) and gave it (*phul ba*) to the Community of Monks from the Four Directions. Later that householder was seized in the court of the king. The monks heard about this, and when they heard they abandoned the *vihāra* and ran away. Thieves stole the riches of the Three Jewels (*dkon mchog gsum gyi dkor*).

In time the householder was released. When the monks heard how the Owner of the *Vihāra* (*gtsug lag khang gi bdag po*) had been released they went to that householder. Since he had already heard how the monks had abandoned the *vihāra* and run away, and how thieves had stolen the riches of the Three Jewels, he was ashamed (*bskyengs pa*) of them. "Noble Ones," he said, "why did you run away?"

They said: "We heard how you had been seized in the court of the king, and when we heard that we were afraid and ran away."

"But, Noble Ones, even if I had been seized in the court of the king, why did all of you run away? Since my relatives were not seized would they not have provided your requisites?"

The monks had no response and remained silent.

The monks reported this matter to the Blessed One, and the Blessed One said: "You should not run away like that. Rather, you should ask the relatives of the Owner of the *Vihāra*: 'Since the Owner of the *Vihāra* has been seized in the king's court are you able to provide the requisites of alms for us?' (*ci khyed kyis bdag cag gi bsod snyoms kyi yo byad sbyar nus sam*). If they provide them, that is good. But if they do not provide them you should for five years beg alms and remain there (*ji ste mi sbyor na lo lnga'i bar du bsod snyoms bya zhing 'dug par bya'o*). If after five years the

58. *Kṣudrakavastu*, Tog 'dul ba Ta 343a.2-344b.1 = Derge 'dul ba Tha 230 a.2-231a.2; for the corresponding passage in the *Vinayasūtra* see n.61.

59. *Ri 'or* is the conventional translation of Sanskrit *karvaṭaka* which itself seems rather to mean "a (mean, poor) village," or "a (small, mean) village"; so Edgerton, *Buddhist Hybrid Sanskrit Dictionary*, s. v. *karpaṭaka* and *karvaṭaka*. Though the term occurs frequently in the canonical *Vinaya* the precise nature of the settlement that it refers to is not known.

Owner of the *Vihāra* is released, that is good. But if he is not released then, after performing a formal act of twofold motion, those who are the guardians of *vihāras*[60] in the neighborhood of that *vihāra*, and their common acquisitions, and their fortnightly meetings, should remain distinct for five more years (*gtsug lag khang de'i nye 'khor gyi gtsug lag khang dag yongs su skyong bar byed pa rnams dang / rnyed pa thun mong dang / gso sbyod tha dad pa dag gis lo gzhan lnga'i bar du 'dug par bya'o/*).

[The standard procedure for making a formal motion is then described, and the text continues:]

If under these conditions the Owner of the *Vihāra* comes to the residents (*gnas pa rnams*) during the ten years, that is good. But if he does not come then, when the seats and bedding, the vessels and the requisites have been stored (*bzhag nas*) in neighboring *vihāras*, and the inner door locked, one should go away. When the Owner of the *Vihāra* is released then, when he claims (*phyir blangs te*) the goods as they were stored from the neighboring *vihāras*, they must indeed be given to him! If the monks residing in the neighboring *vihāra* give them up, that is good. If they do not give them up they come to be guilty of an offence (*'gal tshabs can du 'gyur ro*).[61]

60. I am unable to say whether *gtsug lag khang dag yongs su skyong bar byed pa rnams*, which I have translated "guardians of *vihāras*," is an administrative title that refers to a certain category of monks, or simply refers to the monks who lived in, used, or looked after the neighboring *vihāras*.

61. This text appears to have been summarized at *Vinayasūtra* 35.29ff: *na sahasaiva nirāvāsatākaraṇaṃ vihārasya / sānunayasya tatrāvalokaṃ*(?)*dāne / anupanatau daśavarṣāṇy atinamanaḥ / pañcapiṇḍapātena / anudbhūtav atra kāle dānapater aparāṇi sāmantakavihāreṇa sārdham / hidukyo*(?) *ṣadhaikalābhatāyāḥ karaṇaṃ karmakaraṇāt / sāmantakavihāreṣu pramīlane vastūnāṃ nikṣepaḥ /* (=Derge Tanjur 'dul ba Wu 28b.4: *gya tshom du gtsug lag khang dor bar mi bya'o / rjes su chags pa dang bcas pa der srung mar gzhug go / ma lhags na lo bcur 'da' bar bya'o / lnga ni bsod snyoms kyis so / der dus so sbyin bdag ma byung na lo gzhan lnga ni nye 'khor gyi gtsug lag khang dang lhan cig tu'o / gos sbyong tha dad pa dang rnyed pa thun mong ba'i las bya'o / 'gro ba na dngos po rnams nye 'khor gyi gtsug lag khang dag tu gdams par bya'o*): "The abandonment of a *vihāra* should not be done precipitously. When one who is solicitous has been provided to look after that, (and even) when nothing is received he should remain ten years (maintaining himself) by begging for five (years). If the donor does not appear in that time, after a further (five then the *vihāra*) is brought together with a neighboring *vihāra* by performing a formal act in regard to their distinct fortnightly assembly and common property. When closing (the abandoned *vihāra*) the property is deposited in neighboring *vihāras*." Note that I have followed the Tibetan where the Sanskrit is marked as questionable, and that I have taken *pramīlana* to mean "close"; it normally means "to close the eyes" (Tibetan has, unaccountably, *'gro ba na*). Note too that Guṇaprabha

As in the text from the *Śayanāsanavastu* dealing with the Jetavana where the entire discussion of the donor's rights takes place in reference to property that had already been "presented" (*niryātita*) to the Community of Monks headed by the Buddha, so here too in our text the entire discussion is taken up with questions that concern a *vihāra* that had already been given (*'bul ba = dadāti*) to the Community of Monks from the Four Directions. These texts in particular, but in effect all the passages that have been cited, raise therefore, and fundamentally, the question of what verbs like *dadāti*, "to give," and *niryātayati*, "to present," were understood to mean in both a practical and legal sense. All of the passages we have seen—but again particularly our last two texts—make it almost impossible to believe that they expressed an outright gift or the complete alienation of the property involved. However understood the transaction did not involve the extinction of either the donor's interest or, apparently, his legal rights. The text from the *Kṣudrakavastu* in fact indicates that such interests and rights continued to be felt for a very long time—even after ten years in the case of absence—and, moreover, as in the case of the donor who had two monasteries, were attached not only to the *vihāra*, but to its contents as well: "The seats and bedding, the vessels and the requisites." Notice that neither the *vihāra* nor its contents can be merged with the common property of neighboring *vihāras* for at least ten years after their donor or owner comes to be absent, and that this is proclaimed by a formal motion. Notice too that even after ten years, and even after the *vihāra* itself has been closed down, the contents of the *vihāra* still cannot be merged with the property of other *vihāras*, they can only be stored in those other *vihāras*: when the *vihārasvāmin* returns and claims them they *must* be returned to him. And the text explicitly says they must be returned to him (*de nyid du sbyin par bya'o*), not, be it noted, to the original *vihāra*. They could, it seems, only have remained his property. The same conclusion is reached when we look at the text from yet another angle.

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does not here deal with the claims of the *Vihārasvāmin*, but rather shifts to what appears to be a paraphrase of *Vibhaṅga* Ja 15a.3-15b.1 cited above, p. 21-22; see n.45. Finally, notice that Guṇaprabha uses the title *dānapati* where the canonical text has *vihārasvāmin*, suggesting he too took the titles to be interchangeable. This suggestion is strengthened further if Guṇaprabha is the author of the *Ekottarakarmaśataka*—the latter also digests our text and there the title is *gtsug lag khang gi bdag po* (Derge, *bstan 'gyur*, 'dul ba Wu 156a.6).

Our *Kṣudrakavastu* text calls the householder the *vihārasvāmin* or "Owner of the *Vihāra*." The relationship of the monks to the *vihāra* is, however, expressed differently. They are described only as its residents (*gnas pa rnams*). Even the monks associated with the neighboring *vihāras* are not said to own them, but only to reside in them (*nye 'khor gyi gtsug lag khang na gnas pa'i dge slong rnams*), and, although it is less certain, they also seem to be called "the guardians of *vihāras*," *gtsug lag khang dag yongs su skyong bar byed pa rnams*, which—whatever its precise meaning—strongly implies something other than ownership.

The role of the *vihārasvāmin* in our text, on the other hand, seems clear: he builds the *vihāra* and supplies it with the requisites; in his absence there is an expectation—confirmed by the Buddha's initial instructions—that his relatives will or might provide the latter; but in any case it appears that he continues to own—even though he has "presented" or "given" them to the Community—both the *vihāra* and its contents. The role of the monks is obviously different, but still not entirely what might have been expected.

The monks' role—indeed their obligation—is first of all to remain there, to reside in the *vihāra*. They must not abandon the *vihāra* even if the *vihārasvāmin* is seized by the king; even when the *vihārasvāmin* is absent and his relatives are unable to meet his obligations the monks are obliged to remain there for at least five years and to meet their needs by begging—which apparently they normally do not do—so that they might do so. The monks, in other words, are under heavy obligation to the donor or owner to remain in his *vihāra* or to use it. The monks, then, do not have ownership rights to the *vihāra*, but rather obligations in regard to it and its owner, and even if it means they must revert to begging those obligations must be met.

The obligation of monks to live in or use the *vihāras* that are "given" or "presented" to them is even more explicitly addressed in a text from the *Śayanāsanavastu* which I have already treated elsewhere from a somewhat different angle, but which is worth citing here again in a fuller form. It not only explicitly articulates the obligation we are here concerned with, it also allows us to see that the monks' obligation to use what is "given" to them is, in fact, their obligation to make merit for their donors—they are one and the same.

[62]The devout had had many *vihāras* built, but few monks entered into the rainy season retreat in Śrāvastī, and they stood empty. For the donors there was no merit resulting from use (*dānapatīnāṃ paribhogānvayaṃ puṇyaṃ na bhavati*). And they were inhabited by ne'er-do-wells (*vātaputra*).

The Blessed One said: "All *vihāras* must be assigned (*uddeṣtavya*). To each one individually two or three or four, depending on how many there are. All must be used (*sarve paribhoktavyāḥ*). One should stay in one place in the morning, in another at mid-day, at another in the afternoon, and one should pass the night in yet another!"

The monks did not then perform the work. The *vihāras* fell into disrepair.[63]

The Blessed One said: "The the donor should be encouraged (to make repairs) (*dānapatir utsāhayitavyaḥ*). If just that succeeds, that is good. If it does not succeed then they are to be repaired with that belonging to the Community (*sāṃghikena*).[64] If that is not possible, in so far as it is possible, to that extent restoration is to be done. The rest should be tolerated (*vyupekṣitavya*)!"[65]

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62. *Śayanāsanavastu*, Gnoli 35.1-.10; Tog 'dul ba Ga 284b.4-285a.2 = Derge 'dul ba Ga 210a.7-210b.3; for *Vinayasūtra* see n.65 below.

63. Gnoli reads *pralubhyante*, but the Tibetan has *'drums par gyur nas*, and one meaning of *'drums* is, according to *Bod rgya tshig mdzod chen mo* 1427, *'tshe ba*, "hurt" or "damage." This might suggest the intended reading was *pralupyante*, which would appear to be supported by both what follows in the text and by the paraphrase in the *Vinayasūtra*. I have so read.

64. Again, Gnoli reads *pratisaṃstartavyaḥ* and refers to Pāli *praṭsamthāra*, but the Tibetan—which he cites—reads *phyir bcos par bya*, and this would rather favor *pratisaṃskartavyaḥ*. Since in addition both context and the *Vinayasūtra*'s *pratisaṃskurvīta* also favor such a reading I have adopted it.

65. *Vinayasūtra* 78.30-.33 condenses our text into: *sarve paribhuñjīta / pūrvāhṇe kvacit pāṭhasvādhyāyāvasthānacaṃkramāṇāṃ kvacid madhyāhne paratrānyatra* [Tib. suggests reading *paratra pātra-*] *cīvarasthāpanam āvāso 'paratra rātrāv ity asya yogaḥ / khaṇḍaphullam upagato vāsavastunaḥ pratisaṃskurvīta /* (=Derge Tanjur 'dul ba Wu 62a.4: *thams cad yongs su spyad par bya'o / la lar klog pa dang kha ton dang 'dug pa dang bcag pa dag las gang yang rung ba bya / la lar lhung bzed dang chos gos gzhag par bya / la lar mtshan mo nyal bar bya / la lar snga dro dang gung tshigs dang phyi dro 'dug pas de la sbyar bar bya'o / gnas par khas blangs pas gnas kyi gzhi ral ba dang 'grums pa bcos par bya'o /*): "In regard to all (*vihāras*, one) must make use of them. The procedure for this is thus: in the morning someplace (is used) for reading, reciting, staying and walking; at midday he stores his bowl and robe at some other place; he spends the night at still another. He who has entered (into residence) must repair the cracks and holes in the property of the residence."

There is much here in common with the *Kṣudrakavastu* passage just treated. The obligation for monks to use all *vihāras* is here, and in fact far more explicitly, stated. Here, as in the *Kṣudraka*, there are provisions made for when the donor cannot supply what is required—here not from absence, but inability—though they are not the same: rather than begging, the monks in our present text are allowed to use—in so far as it is available—what belongs to the Community. But in both texts the monks must continue to use the *vihāras* even if it creates some inconvenience by causing them to have to beg or put up with a certain amount of disrepair. There are, however, two things that are particularly striking in our present text: the explicit connection of use with merit, and the length to which our text suggests it is necessary to go to make sure that what donors "give" is used. In regard to the first, our text makes explicit what seems to be implied in almost all the passages we have seen so far. Almost all the passages that have been cited promulgate rules that seem—in one way or another—designed to insure that *vihāras* or other property "donated" would be continuously used. Our text goes one step further and explains the reason for this by indicating quite explicitly the consequence of their not being used: if *vihāras* stand empty and are not used the donors are deprived of "the merit resulting from use" (*paribhogānvayaṃ puṇyam, longs spyod las byung ba'i bsod nams*). It is, therefore, the monks' obligation to make sure that this does not happen or, to phrase it positively, the monks' obligation is to continuously make merit for their "donors" by using what those individuals have made available. The expression "merit resulting from use" is, moreover, not unique to this passage from the *Śayanāsanavastu*, nor is the idea it expresses applied only to *vihāras*. In the *Kṣudrakavastu*, for example, it is applied to plates or dishes:

> [66]When devout brahmins and householders gave dishes (*sder spyad* = *bhājana*) to the monks the monks would not accept them. The brahmins and householders said: "Noble Ones, when the Buddha, the Blessed One, had not yet appeared in the world, then those belonging to other religious groups (*mu stegs can, tīrthika*) were the ones worthy of receiving reverential gifts (*yon gnas, dakṣiṇīya*). Now, however, since the Buddha, the Blessed One, has appeared in the world you are the ones worthy of receiving reverential gifts. If you will not accept them how can we, being deprived of provisions of merit for the journey (*dge ba'i lam brgyags ma mchis par*), go from this world to the other world? You must accept these!

66. *Kṣudrakavastu* Tog 'dul ba Ta 78a.5-79a.2 = Derge Tha 52b.6-53a.6.

The monks reported this matter to the Blessed One, and the Blessed One said: "For the sake of the Community (*dge 'dun gyi phyir*) dishes should be accepted!"

When the Blessed One had said that dishes should be accepted for the sake of the Community the monks, after they had accepted them, put them in the store-room and left them there and continued to eat in the same way from their bowls. The devout brahmins and householders saw that and said: "Noble Ones, are there no dishes that we gave (*phul ba*)?"

The monks said: "Gentleman, they remain in the store-room."

They said: "Noble Ones, could we not have stored them in our own houses? Did we not give them to you (*bdag cag gis khyed la phul lam*)? When they are used then for us there is the merit that comes from use (*yongs su longs spyad na / bdag cag la yongs su longs spyad pa'i rgyu las byung ba'i bsod nams su 'gyur ba zhig na*), but still you put them in the store-room!"[67]

The monks reported this matter to the Blessed One, and the Blessed One said: "Dishes which are given by donors must be used!" (*sbyin bdag gis byin pa'i sder spyad dag yongs su longs spyad par bya'o*).

The argument put here in the mouth of the donors—"If you will not accept them . . . how can we go from this world to the other world"—is worthy of note. It is in fact something of a trope in this literature,[68] but it nicely encapsulates an important *monastic* view of the role of the monk in-the-world: his role is to accept gifts so that their donors might be able to gain the merit necessary to achieve "the other world." This conception of the monk makes no mention of the monks' own wishes or religious goals and seems to leave little room for them. A monk here is one who accepts gifts so others can make merit, and he is obligated to do so by the authority of the Buddha. But added to this trope is the further obligation already met in regard to *vihāras* in the *Śayanāsanavastu*. Acceptance of movable property—like the acceptance of *vihāras*—was not, or came to be thought not, sufficient to generate the full complement of the donor's merit. Like *vihāras*, all such property had not only to be accepted, but to be used, and the monks, again, were under obligation to do so; they were under obligation to ensure that the donor was not denied the "merit resulting from use." Both texts use the same expression. In the Sanskrit

67. The narrative beginning from "When the Blessed One had said that dishes should be accepted . . ." up until this point is very similar to the narrative used to describe the acceptance by the monastic community of perpetuities which gave rise to the rules governing lending on interest in the *Mūlasarvāstivāda-vinaya*; see Schopen, "Doing Business for the Lord" 529.

68. See, for example, Tog 'dul ba Ta 7a.5; 15b.1; 293a.1; 294a.1.

text of the *Śayanāsanavastu* this is *paribhogānvayaṃ puṇyam*, which the Tibetan translators there rendered as *longs spyod las byung ba'i bsod nams*. In the *Kṣudrakavastu* we find what can only be another attempt to render the same expression, a rendering which is, if anything, slightly more precise: *yongs su longs spyad pa'i rgyu las byung ba'i bsod nams*.[69] How strongly the obligation to use was felt might be suggested by the complexity, if not convolutions, of the rules put in place by the *Śayanāsanavastu* to ensure that it occurred.

The *Śayanāsanavastu*, to ensure that all *vihāras* were used, has recourse to what would have been—if put into practice—a clumsy and inconvenient system. Depending on the number of *vihāras* and the number of monks, one monk could be held responsible for, and obligated to use, two or three or four or more *vihāras* in the same day. In order to do so he is explicitly told to divide his time in such a way that each *vihāra* was used for at least a part of each day. Such an arrangement would have almost certainly been disruptive, requiring each monk to move from place to place, and hardly conducive to anything like a contemplative life. That the religious advantages that might accrue to the individual monk from undisturbed time could be sacrificed in order to meet obligations to their donors would seem to indicate how strongly such obligations—especially the obligation to use—were felt. But the monk's obli-

69. It is important to note that the idea of the "merit resulting from use" is by no means limited to Mūlasarvāstivādin *vinaya* sources. It is discussed on more than one occasion in the *Abhidharmakośa*, for example (de La Vallée Poussin, *L'abhidharmakośa*, t.III, 20; 244: "Le mérite du don est de deux sortes: 1. mérite produit par l'abandon (*tyāgānvaya*), le mérite qui résulte du seul fait d'abandonner; 2. mérite produit par la jouissance (*paribhogānvaya*), le mérite qui résulte de la jouissance, par la personne qui reçoit, de l'objet donné . . . Le mérite du don au Caitya est mérite produit par l'abandon." The same idea—under the heading *paribhogamayaṃ puññaṃ vaḍḍhatīti*—is also a matter of dispute in the *Kathāvatthu* (A. C. Taylor, *Kathāvatthu* [London: 1894-97] VII. 5). The Theravādins reject the idea, but the text from *Aṅguttara* ii 54-55 cited in the discussion there might well support it and deserves closer study. The phrase *tyāga-paribhogānvayam aupadhikañ ca puṇyakriyāvastv* occurs even once in a remarkable 5th or 6th Century copper-plate grant from Andhra (see, at least, S. Sankaranarayanan, "Two Vishṇukuṇḍi Charters from Tummalagudem," *Epigraphia Andhrica* 2 (1974): 4-20; esp. 11.20; S. Sankaranarayanan, *The Vishṇukuṇḍis and Their Times* (Delhi: 1977) 154.20; V. V. Mirashi, "Fresh Light on Two New Grants of the Vishṇukuṇḍins," *Journal of Indian History* 50 (1972): 1-8; V. V. Mirashi, *Indological Research Papers*, vol. 1 (Nagpur:1982), 121-41; esp. 140.20).

gation to use what donors had provided could take other, though no less extreme, forms as well. We might cite one last text from the *Kṣudrakavastu* as an example.

Like the text cited above dealing with the proper way to abandon a *vihāra*, the last text we will look at here also deals with disposing of property that was given by and in some sense still belonged to a lay donor. In this case although the property involved is cloth the concern is still with insuring that the full complement of merit accrue to the donor or owner.

[70]The monk in charge of physical properties (*dge skos, upadhivārika*) put coverlets (*mal stan*) on mats that were full of dust and, when they were ruined, the Blessed One said: "Coverlets are to be spread on mats that have been beaten."

The monk in charge of physical properties did not know what to beat them with.

The Blessed One said: "They should be beaten with one of the cloths."

When the monk beat them with a good cloth, the Blessed One said: "They should be beaten with one of little value."

The monk in charge of physical properties beat them with one of little value and when it was old and ruined and incapable of being mended, and he threw it away, the Blessed One said: "You should cut it into small pieces and strips and tie it to a piece of wood, then the mats are to be beaten with that."

When that became completely useless and he threw it away the Blessed One said: "Even when it is completely useless the cloth should not be thrown away. You should mix it with dung or mud and use it as a filler for cracks in the pillars or holes in the wall. The merit of the donor will then be multiplied over a long period of time (*sbyin bdag gi bsod nams yun ring du 'phel bar 'gyur ro*).[71]

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70. *Kṣudrakavastu* Tog 'dul ba Ta 242a.1-243a.2 = Derge 'dul ba Tha 159b. 3-160a.6.

71. Even this text—and in surprising detail—is represented in the *Vinaya-sūtra* 115.11-.16: *śayanāsanaṃ malinaṃ prasphoṭayet / atīva ced dhāvet / ūrdhaṃ* (? - *rdhvaṃ* [confirmed by Tib.]) *sekāt saṃsṛṣṭiḥ* [Tib. suggests *saṃmṛṣṭiḥ*] */ tataś ca prajñapanam / na prasphoṭite sarajaskatāyām ādhāre / prajñapanīyebhyo vastrasyaikasya prasphoṭane viniyogaḥ / lūhasya / pratisaṃskaraṇam asya / aśakyatāyāṃ cīrīkṛtya yaṣṭyām upanibadhya prasphoṭanam / tathāpy ayogyatve gomayamṛdā stambhasuśi*(?*ṣi*[confirmed by Tib.])*-re kuṇya*(?)*sya* [Tib. suggests *kuḍyasya*] *vā lepanam / puṇyābhivṛddhiciratāyai dātraḥ*(*tuḥ*?[confirmed by Tib.] / (=Derge Tanjur 'dul ba Wu 96a.2: *mal cha dri mas gos pa sprug par bya'o / gal te ha cang na bkru'o / chag chag btab pa'i 'og tu phyag bya'o / de'i 'og tu stan bsham mo / gzhi rdul dang bcas pa*

This set of rules arose out of a situation in which a donor observed that an expensive cloth that he had given (*phul ba*) to the Community had been ruined and he had complained, using the kind of language now familiar, saying to the monks: "Now you have gotten *my* cloth (*bdag gi gos*) all dirty." It is also followed by another set of rules which are very similar and end in exactly the same way: *sbyin bdag gi bsod nams yun ring du 'phel bar 'gyur ro*. Such passages point—as has already been noted—to the apparent seriousness with which the obligation to use was viewed and the extremes to which the redactors of this *Vinaya* were willing to go in formulating rules designed to ensure that the obligation was met. But beyond that, these mundane rules governing seemingly insignificant domestic matters bear heavily on the monks' ability to dispose of any property as they might want, and therefore carry severe restrictions that would seriously compromise any claims to ownership the monks might make on the property made available to them. We have already seen in the passage from the Pāli or Mahāvihārin *Vinaya* concerning articles for use in one monastery being transferred elsewhere, or in the similar text in the Mūlasarvāstivādin *Vinayavibhaṅga* dealing with monks from one *vihāra* borrowing property from another, that monks could not do whatever they might want with movable properties, and that in this sense at least—and that is an important sense—they did not own them. The *Kṣudrakavastu* ruling on dishes only establishes the same point in a different way. But the passage from the *Śayanāsanavastu* dealing with building sites in the Jetavana extends the limitations on the monks' ability to act freely to real or immovable property, limiting, if

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ma sprugs pa la mi bya'o / bsham par bya ba dag la gos gcig sprug par spyad do / ngan pa'o / de bcos so / mi nus pa nyid na ras mar byas te shin bu'i rtse mo la btags nas sprug go / de ltar na yang mi rung ba nyid yin na sbyin pa po'i bsod nams mdon par spel pa dang / yun ring ba nyid du bya ba'i phyir lci ba dang sa bsregs te ka' dang rtsig pa'i ser kar glan par bya'o /): "He must beat dirty bedding and seats. If (they are) very (dirty) he must wash them. After watering down (the ground) he should sweep. And then (the bedding and seats) are to be arranged. [The last two sentences summarize a part of the canonical text I have not cited.] But not on a support which has not been beaten (or) on what itself is dusty. For those (seats) that are to be arranged a single cloth is to be used for beating them. It should be of little value. It should be mended. When that is no longer possible, after cutting it into strips and tying it to a stick, the beating is to be done (with that). When it is useless even for that, then (mixed) with cow dung and clay, it should be smeared in cracks in pillars or in the walls, so that the merit of the giver will (continue to) increase for a long time."

not denying, their ability to alienate land within a pious foundation established by a specific layman. To this then is added the important restrictions in the *Kṣudrakavastu* text in regard to abandoning a *vihāra* where it is clear that monks could not dispose of *either* real *or* movable property as they might wish. And the inability of monks to dispose of property of any kind as they might want is then, finally, applied in our last text to objects even of little or no appreciable value like a worn-out piece of cloth. The cumulative weight of these rulings is, indeed, substantial. Monks can neither *move*, nor *alienate*, nor *dispose* of what should have been their property. They cannot, in other words, exercise any of the most basic rights that classically define ownership. Put into practice, these rulings would, of course, have severely restricted, if not entirely impeded, the ability of Mūlasarvāstivādin monastic communities to hold clear or outright "title" to the property they used, and this, in fact, may have been the original intention of the *Vinaya* masters who developed these ideas. Seen in this light, the passages we have discussed might be taken as yet another indication of the conservative character of the *Mūlasarvāstivāda-vinaya*. One final point in the last passages, however, deserves to be noted separately.

It may well be—although this for now remains to be demonstrated—that the concept of "merit resulting from use" in fact requires that the monks *not* own the property they use. Although I have yet to see it explicitly stated, several passages seem to imply that the merit resulting from use accrues only to the owner of the property used. If this is so, and if the monks themselves were to actually own the property they used, then—paradoxically—they, not the donor, would get the merit that should result from its use. Such a result seems to be clearly contrary to the spirit of the idea that would have produced it. This point, however, like almost all of what has been discussed here, will require a great deal more study.

In a study of this sort the impulse to form conclusions should surely be suppressed. What has been presented here is only a small sample drawn from an enormous and largely unstudied body of monastic literature, nor is it, as noted already at the outset, a systematic sample.[72] In short, it

72. One set of passages which has been consciously excluded here, but will certainly have to have a significant place in future discussions, is made up of the Sanskrit text of the 6th and 7th *saṃghāvaśeṣa* infractions in the Mūlasarvāstivādin *Prātimokṣa* (A. C. Banerjee, *Two Buddhist Vinaya Texts in Sanskrit* [Calcutta: 1977] 17.3-.14) and their treatment in the *Vinayavibhaṅga*

does not allow, nor was it intended to produce, definitive conclusions. It would seem, however, to at least make possible some observations.

The first and most general observation that might be made is that, to judge by the *Mūlasarvāstivāda-vinaya*, transactions involving property between Buddhist monks and laymen may have been far, far more complicated than has heretofore been realized. So too may have been the conceptions and facts of ownership of what has usually been thought of as monastic property. Indeed, the texts which have been presented here seem to raise fundamental questions concerning the meaning—both linguistic and legal—of religious "giving" in early classical India.

Our texts fairly consistently use forms of the verbs *dadāti*, "to give," or *niryātayati*, "to present," to describe what laymen do with property in regard to monastic communities. But these same texts just as consistently continue to refer to the property that was "given" to the monastic community as still belonging to the "donor": it is "his" or "mine," depending on whether the donor is speaking or being spoken about. That this is not simply a necessary linguistic or narrative convention seems fairly certain from the kinds of obligations, interests and control the donor continues to have in regard to the property even after it has been given. A donor, for example, not only provides "his" *vihāra* with its initial requisites or benefits, but he—or even his relatives in his absence—continued to do so. He also continued to be concerned about its physical maintenance: he personally rewards a monk who keeps it up, or he provides endowments for that purpose. Moreover, the monastic seal of the *vihāra* bears his name and its movable property are to be labeled as belonging to "his" *vihāra*. More specifically still, building sites on property donated by him cannot be sold, except for the specific purpose of benefiting the community as a whole, without his permission; nor can a *vihāra* or any movable property donated by him be abandoned or disposed of at will by the monks. Even after being absent for more than ten years he may claim as his own even

(Derge, 'dul ba Ca 240a.1-252a.3), in the *Vinayasūtra* (25.17ff.), and the *Ekottarakarmaśataka* (Derge, bstan 'gyur, 'dul ba Wu 141a.4ff), where a *kuṭi* or "hut" (?) is characterized as *asvāmika*, "without an owner," and at least a certain kind of *vihāra* is called *svāmika*, "with or having an owner." But the textual problems here are many: Banerjee's edition of the *Prātimokṣa* is almost unbelievably careless, the Gilgit Manuscript is fragmentary, and the Tibetan translation appears to reflect a text that differed in at least one significant way—all of this, together with the numerous parallels in other versions—will have to be sorted out before this material can be used with any confidence.

property that has been removed from his *vihāra* and stored in another. In light of all this it is hard to know what to call that which the donor did with his property: If he gave it, that act of giving did not annul or even necessarily diminish the donor's obligations, interests or rights in regard to the property given. This is obviously not what we generally understand as a gift.

But the ownership especially of *vihāras* is complicated in another way as well. *Vihāras*, even in our very small sample, have three different kinds of owners: a *vihāra* is once said to belong to an individual monk; once said to belong to the Community; but *vihāras* are most frequently referred to in our sample as the property of lay men who are sometimes called *vihārasvāmins*, sometimes *dānapatis*, and sometimes simply *gṛhapatis* or "householders." How representative our sample is in this regard I cannot at this stage say. In part this is because most references to *vihāras* in the *Mūlasarvāstivāda-vinaya* do not in fact contain any indication of ownership. My impression—and that is all it is at the moment—is, however, that if we limit ourselves to references that do contain some kind of explicit indication of ownership then our sample is at least not hopelessly distorted. References to the ownership of a *vihāra* by an individual monk will, I think, turn out to be rare, even extremely rare.[73] References to corporate ownership by the Community will also probably not occur nearly as often as one might have expected, and—conversely—references to, or indications of, lay ownership of *vihāras* will be far more frequent than anyone would have guessed. Although there are passages like that giving rules concerning monastic seals which might suggest that the redactors of this *Vinaya* assumed that all *vihāras* had a *vihārasvāmin* or lay owner, in the end, and on balance, the evidence will probably show that they assumed, or were familiar with, several different patterns of ownership. But one point seems certain: the redactors of the *Mūlasarvāstivāda-vinaya* took it for granted that Buddhist monasteries could be, and were, owned by lay men, and that they

73. Notice that there may be some doubt even about the one case of ownership of a *vihāra* by an individual monk that we have discussed above p. 9-12. The Sanskrit text begins by saying "a certain householder had a *vihāra* made for Upananda," but the Tibetan translation—as already noted in n.21—presupposes a different reading that suggests that Upananda prevailed upon the householder to do so. Such solicitation by a monk would itself be disapproved of, and the fact that the individual ownership of a *vihāra* is here associated with Upananda may also point to disapproval of it.

continued to be so owned even after they were "given" or "presented" to the monastic community.

Whether they were making rules in regard to *vihāras* owned by laymen, or even in regard to those said to belong to individual monks or the Community, the redactors of our *Vinaya* seem, however, to have had the same basic concerns. The rules that they were framing all seem designed to effect, to encourage, even to force, in one way or another, both the proper maintenance and upkeep of physical properties, and the residential stability of the monks. Over and over again the rules promulgated in these texts are formulated in such a way that their implementation would require or at least foster the continual residence of a monk at a given *vihāra*—the monk who claims the acquisitions that come to a *vihāra* must himself clean and maintain it; for a monk to receive the benefits of the distributions of cloth at a *vihāra* he must be physically present; all *vihāras* that are presented must be lived in, even if for only a part of each day, and minimally maintained, even if that means using what belongs to the Community as a whole to do so. Rules of this sort may suggest at least two things about the situation that the redactors of the *Mūlasarvāstivāda-vinaya* might have been responding to. Such rules may suggest that—as in the West at the time of St. Benedict—wandering and itinerancy were, or had become, a problem, at least in the eyes of those who were engaged in formulating rules for Mūlasarvāstivādin monastic communities.[74] It is at least fairly certain that, contrary to some standard theories on the institutionalization and development of monastic Buddhism, itinerancy always remained a significant element in Buddhist monasticism in India even when a part of the Community might have permanently settled down. But these same rules may in fact reflect a period when, or situations in which, property was starting to accrue to Buddhist monastic groups who did not yet have any very effective mechanisms to assure responsibility for it. Clearly, and like so many monasticisms elsewhere, once Buddhist monastic groups got involved with property—and if they were to survive this was a necessary involvement[75]—they were no longer able to do whatever they might want. And this brings us to the last observation we might make.

74. Cf. B. Upadhyay, "The Monastic Economy and Eradication of Beggary in Ancient India," *Journal of the Bihar Research Society* 53.1-4 (1967): 45-50.

75. Cf. Dom U. Berlière, *Le recrutement dans les monastères bénédictins aux xiii^e et xiv^e siècles*, Académie royale de belgique: Classe des lettres et des sciences morales et politiques, Mémoires (Brussels: 1924) 3: "Assurément la [monastic] richesse peut engendrer des abus, mais elle est un facteur nécessaire

The study of Buddhist monasticism can gain much from the work of medieval historians on Western religious orders—they have already worked much more fertile fields. It is, for example, probably now commonly accepted in the study of Western monasticism that "in the first place it is important to understand that the monasteries did not exist solely or even mainly for the sake of the monks who sought within their walls a personal salvation."[76] Moreover—and as a kind of corollary to this—it has been more recently suggested that there is a ". . . need to distinguish much more clearly than is at present customary between what monks liked to do and what the tyranny of founders and benefactors often obliged them to do."[77] It is not difficult to see how both these observations might apply to the conception of monasticism that is embedded in the texts we have seen here. It is clear—if no less surprising—that both monasteries and their movable property are presented in our text not in terms of what they can or should do for the monks who inhabit or use them, but rather in terms of what those monks must do to ensure that their use properly and fully benefits their donors or owners. Monasteries—to put it crudely—are not presented here primarily as residences for monks to live in, but rather as potential and permanent sources of merit for their donors.

It is perhaps equally clear that the monks in our texts are, by virtue of their own monastic rule, monks under heavy obligations, and that those obligations were not determined by the religious life or needs of monks, but by the religious needs of donors. Whether or not it might be conducive to his spiritual life and development a Mūlasarvāstivādin monk was required by his rule to both accept dishes or plates and to use them; regardless of how disruptive it might be to anything like a contemplative life, a Mūlasarvāstivādin monk was required by his own rule, and under certain conditions, to spend some time each day in several different *vihāras*—not, be it noted, because he might like to, but because he had an obligation to their donors or owners to do so. According to his own

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à la prospérité des institutions, et l'on pourrait affirmer avec autant de raison que l'appauvrissement des maisons religieuses eut pour conséquence nécessaire un arrêt dans leur développement et une décadence dans leur discipline."

76. R. W. Southern, *Western Society and the Church in the Middle Ages* (Harmondsworth: 1970) 224.

77. Harvey, *Living and Dying in England* 33—one might, of course, doubt the suitability of the word "tyranny." English monks—like Indian monks—undoubtedly chose freely to put themselves under their respective obligations for their own reasons and with their own advantages in mind.

monastic rule such a monk was not even free to decide when to throw an old rag away—that too was determined by obligations to its donor, regardless of what the monk himself might choose. The monk redactors of this *Vinaya*, therefore, seem to have had a conception of the role and function of a Buddhist monk that differs very markedly from that found commonly in our scholarly sources. For these monks—at least in the texts we have seen—the primary role of their fellow Buddhist monks was not to "work out their own salvation with diligence," but to diligently generate merit for lay donors by using what they provided or what belonged to them. This is a conception of the Buddhist monk that we need to know much more about if we are ever to understand the social history of monastic Buddhism in India, and if we are ever to understand how Indian Buddhist monks saw themselves. It is possible, of course, that they would not recognize themselves in our handbooks.[78]

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78. A final note on the composition of the *Vinayasūtra* and Guṇaprabha's sources and methods. The citation of a significant sampling of extended passages from the canonical text of the *Mūlasarvāstivāda-vinaya* in the body of the present paper, together with the citation, in the notes, of the corresponding passages in Guṇaprabha's *Vinayasūtra* (ns. 20, 29, 34, 35, 42, 44, 45, 48, 53, 61, 65, and 70), seemed to present an opportunity to—using an unbuddhist turn of phrase—kill two birds with one stone. Such citations could very economically serve a dual purpose. The Sanskrit text of the *Vinayasūtra*—though itself by no means free of problems—could often supply the basic Sanskrit vocabulary for canonical texts preserved in Tibetan. *Kṣudrakavastu*, Tog 'dul ba Ta 242a.1 = *Vinayasūtra* 115.11 (p. 37 and n. 71), dealing with the obligation of monks to fully utilize and not throw away cloth that was given to them, is a particularly good example. Still others are *Kṣudrakavastu*, Tog 'dul ba Ta 11a.2 = *Vinayasūtra* 54.25 (p. 23 n. 48) and *Vinayavibhaṅga*, Derge 'dul ba Ja 15a.3 = *Vinayasūtra* 36.3 and 119.1 (p. 21 n. 45), the first dealing with monastic seals, the second with monasteries lending their property to other monasteries and the proper labeling of monastic property; or *Kṣudrakavastu*, Tog 'dul ba Ta 156b.1 = *Vinayasūtra* 76.17 (p. 15 and n. 35), which deals with the recitation of verses for the "owner" and gods of the *vihāra*. There is in fact a very large number of similar cases not quoted here; see, for example, *Vinayasūtra* 33.12 which gives us the Sanskrit vocabulary behind the passage on lending on interest found at *Vinayavibhaṅga*, Derge 'dul ba Cha 154b.3, discussed in Schopen, "Doing Business for the Lord"; or *Vinayasūtra* 114.16 which does the same for the text at *Kṣudrakavastu*, Tog 'dul ba Ta 335b.6 which deals with paintings and their placement in the *vihāra* (cf. M. Lalou, "Notes sur la décoration des monastères bouddhiques," *Revue des arts asiatiques* 5.3 [1930]: 183-85); or *Vinayasūtra* 54.31 = *Kṣudrakavastu*, Tog 'dul ba Ta 7a.4; 292b.6-294b.2, on the acceptance and

use by monks of perfumes and garlands; or *Vinayasūtra* 88.16 = *Kṣudrakavastu*, Tog 'dul ba Ta 332a.4, on the restrictions imposed on monks who wear robes made from burial cloth.

But equally important, the juxtaposition of the canonical texts with the *sūtras* of the *Vinayasūtra* could allow us to actually catch a glimpse of Guṇaprabha at work, to see, in effect, how this important Mūlasarvāstivādin monastic handbook was composed (for the life of Guṇaprabha and the date and influence of the *Vinayasūtra* see G. Schopen, "Ritual Rights and Bones of Contention: More on Monastic Funerals and Relics in the *Mūlasarvāstivāda-vinaya*," *Journal of Indian Philosophy* 22 [1994]: 63-64, and ns. 63-65 and the sources cited there.) Such a juxtaposition reveals, indeed, both the precise sources that Guṇaprabha used and the remarkable degree to which he depended on those sources. The mere fact that his sources can so often be precisely identified, and the mere fact that such a juxtaposition can be made, already indicate some important things about the composition of the *Vinayasūtra*.

Even a quick and very cursory reading of the *Vinayasūtra* will show that the correspondences cited in the notes here are only a small fraction of such correspondences. My impression—though it is only that—is that, in fact, there is probably very little in the *sūtra* that does not occur in the canonical *vinaya*. But only when both have been thoroughly studied will we actually be able to determine this for certain, or to know, in other words, if, and to what degree, Guṇaprabha added new material.

There are cases where Guṇaprabha *seems* to add details not found in the canonical text. A good example is *Śayanāsanavastu*, Gnoli 35.1-10 cited above p. 33. Here the canonical text says: "All [*vihāras*] must be used. One should stay in one place in the morning, in another at mid-day, at another in the afternoon, and one should pass the night in yet another." But *Vinayasūtra* 78.30 (cited in n. 65) says: "In regard to all (*vihāras*, one) must make use of them. The procedure for this is thus: in the morning someplace (is used) for reading, reciting, staying and walking; at mid-day he stores his bowl and robe at some other place; he spends the night at still another." Here Guṇaprabha omits reference to the afternoon, but adds explicit references to specific activities to be performed in the morning and at mid-day which the canonical text knows nothing about. Another good example—this one not cited above—concerns the problem of monks dying on bedding that belonged to the Community. *Cīvaravastu*, GMs iii 2, 123.18 says: "Having recognized the (dying monk's) physical condition, having moved him on a pretext onto his personal bedding, he is to be laid out" (*śarīrāvasthāṃ jñātvā paudgalike śayanāsane vyājenāvatārya śāyitavya iti*). But Guṇaprabha (11.5) has: "That one [the attendant], when death is certain, having raised him [the dying monk] from bedding belonging to the Community, should settle him on his personal [bedding]. It is to be done on the pretext of its being preparatory to rubbing [him] with unguents and bathing [him]" (*sāṃghikād enam asau maraṇāśaṃ-*

Abbreviations

Derge	*The Tibetan Tripitaka. Taipei Edition.* Taipei: 1991. Cited according to original volume, folio and line number.
Divyāvadāna	Cowell, E. B., and R.A. Neil, eds. *The Divyāvadāna. A Collection of Early Buddhist Legends.* Cambridge: 1886. By page and line.
GMs	Dutt, N., ed.. *Gilgit Manuscripts*, Vol. 3. Pts. 1-4. Srinagar and Calcutta: 1942-1950. By page and line.
Gnoli	Gnoli, R., ed. *The Gilgit Manuscripts of the Śayanāsana and the Adhikaraṇavastu.* Serie Orientale Roma 50. Rome: 1978. By page and line.
Pāli Vinaya	Oldenberg, H., ed. *The Vinaya Piṭakaṃ.* Vols. 1-5. London: 1879-1883. By page and line.
Tog	*The Tog Palace Manuscript of the Tibetan Kanjur.* Leh: 1979. By original volume, folio and line number.
Vinayasūtra	Sankrityayana, R., ed. *Vinayasūtra of Bhadanta Gunaprabha.* Singhi Jain Śāstra Śiksāpītha, Singhi Jain Series 74. Bombay: 1981. By page and line.

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kāyāṃ śayanāsanād utthāpya paudgalike niveśayet / abhyaṅganasnāpana-pūrvakatāvyājena). Here too we have in the *Vinayasūtra* what appears to be added material—the canonical text says nothing about rubbing with unguents and bathing. In this case, however, and this case probably also explains the previous one too, Guṇaprabha's additions only explain the otherwise curious "pretext" (*vyāja*) of the canonical text. They explain what kind of a "pretext" might be used and in this sense are commentary or gloss, not addition. Seen in the light of this case, the previous case appears to be of exactly the same sort: the specification of activities at certain periods of the day appears to be simply commentarial. In both cases if you remove the "commentarial" matter what you have left is a close restatement of the canonical rule; and in both cases something like the "commentarial" matter itself will also undoubtedly be found somewhere else in the canonical *vinaya* (e. g. for rubbing and bathing the sick see GMs iii 2, 129.15). I would foresee the vast majority of "new" or "additional" material in Guṇaprabha falling into precisely this category. This, of course, is not meant to deny all innovation, nor, especially, to deny Guṇaprabha's remarkable intellectual achievement, but rather to emphasize his close and careful adherence to the canonical texts that he was dealing with. This itself is no mean achievement.